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OFFICE CONSOLIDATION

OF

The School Ordinance

Chapter 29 of 1901 and Amendments

The School Assessment Ordinance

Chapter 30 of 1901 and Amendments

The School Grants Act

Chapter 15 of 1913 (Second Session) and Amendments

The Educational Tax Act

Chapter 18 of 1907 and Amendments

The School Attendance Act

Chapter 8 of 1910 (Second Session) and Amendments

The Mental Defectives Act

Chapter 21 of 1919 and Amendments

AND

General Regulations of The Department of Education

Consolidated to and including Amendments of 1920



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1920

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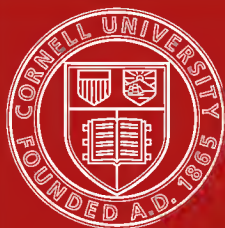
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THE SCHOOL ORDINANCE

(Being Chapter 29 of the Ordinances of 1901, with amendments up to and including 1920)

THE Lieutenant Governor, by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

SHORT TITLE.

1. This Ordinance may be cited as "*The School Ordinance.*" [1901, c. 29, s. 1.]

INTERPRETATION.

2. In this Ordinance, except the context otherwise requires—

1. The expression "Department" means the Department of Education;

2. The expression "Minister" means the Minister of Education; [1910 (2), c. 6, s. 2.]

3. The expression "Council" means the Educational Council;

4. The expression "Inspector" means any school inspector appointed under this Ordinance;

5. The expression "District" means any school district erected or constituted as such at the date of the coming into force of this Ordinance and any school district hereafter erected or constituted under the provisions hereof;

6. The expression "Rural district" means any school district situated wholly outside the limits of any town or city municipality or any village:

Provided that in case any rural district or any portion thereof is included in any village that may hereafter be organized such district shall for the purposes of this Ordinance be deemed a rural district until the end of the then current calendar year;

7. The expression "Village district" means any school district situated wholly or in part within the limits of any village:

Provided that in case any village in which is situate in whole or in part a village district is at any time incorporated as a town such village district shall for the purposes of this Ordinance be deemed to continue to be a village district until the end of the then current calendar year; [1903 (2), c. 27, s. 1]

8. The expression "Town district" means any school district situated wholly or in part within the limits of any town or city municipality;

9. The expression "Ratepayer" means any person of the full age of twenty-one years whose name appears on the last revised assessment roll of the district or in the case of a district in which there has been no revised assessment roll any person of the full

age of twenty-one years who has owned or been occupant of assessable property therein for a period of at least two months; [1903 (2), c. 27, s. 1; 1913, c. 19, s. 1.]

10. The expression "resident ratepayer" means:

(a) In any proposed district or proposed consolidated district any person of the full age of twenty-one years actually residing therein and who has so resided therein and owned or been the occupant of assessable property therein for a period of at least two months immediately prior to the date of the first school meeting;

[1919, c. 32, s. 1 (1)]

(b) In any established district or in any established consolidated district in which there has been no revised assessment roll of the district or of the consolidated district any person of the full age of twenty-one years actually residing therein and who has so resided therein and owned or been the occupant of assessable property therein for a period of at least two months immediately prior to the date of any school meeting;

[1919, c. 32, s. 1 (2)]

(c) In any collecting municipal district any person of the full age of twenty-one years actually residing in the school district whose name appears on the last revised municipal voters' list;

[1913 (1), c. 19, s. 1; 1915, c. 10, s. 1 (1)] 1920, c. 13, s. 1 (1)

(d) In any other district any person of the full age of twenty-one years actually residing therein whose name appears on the last revised assessment roll of the district or of the consolidated district;

[1913, c. 19, s. 1]

(e) The expression "resident ratepayer" shall also mean and include the husband, wife, son, daughter or sister of any resident ratepayer as hereinbefore defined, provided such husband, wife, son, daughter or sister is of the full age of twenty-one years and resides in the same house as such resident ratepayer.

[1917, c. 43, s. 1; 1918, c. 39, s. 1 (1).]

11. The expression "Board " means the board of trustees of any district;

12. The expression "Teacher" means any person holding a legal certificate of qualification;

13. The expression "Owner" includes any person who by any right, title, or estate whatsoever is or is entitled to be in possession of any land in a district;

[1903 (2), c. 27, s. 1]

14. The expression "Occupant" includes inhabitant occupier of any land or if there be no inhabitant occupier the person entitled to the possession thereof and the leaseholder or holder under agreement for lease and holder under agreement for sale and any person having or enjoying in any way or for any purpose whatsoever the use of land;

[1903 (2), c. 27, s. 1]

15. The expression "taxpayer" means any person who is the owner or occupant of lands in respect of which some person is or may be assessed;

[1903 (2), c. 27, s. 1.)

16. The expression "school" means any public or separate

school established under this Ordinance or any class room thereof. [1913 (2), c. 16, s. 1.]

17. The expression "ungraded school" shall mean the school of a district employing only one teacher. [1918, c. 39, s. 1 (1).]

18. The expression "unorganized territory" means any part of the province which has not been erected into a school district or districts. [1919 c. 32, s. 1 (4).]

[1901, c. 29, s. 2; 1903 (2), c. 27 s. 1; 1910 (2) c. 6, s. 2; 1913 (1), c. 19, s. 1.; 1915, c. 10, s. 1 (1); 1917, c. 43, s. 1; 1918, c. 39, s. 1 (1); 1919, c. 32, s. 1. (1) (2) (3) (4)]

DEPARTMENT OF EDUCATION.

3. There shall be a department of the public service of the Province of Alberta called the Department of Education over which the member of the Executive Council appointed by the Lieutenant Governor in Council under the seal of the Province of Alberta to discharge the functions of the Minister of Education for the time being shall preside. [1910 (2), c. 6, s.s. 1, 2]

(2) The Lieutenant Governor in Council may appoint such officers, clerks and servants as are required for the proper conduct of the business of the department and for the purposes of this Ordinance all of whom shall hold office during pleasure.

[1901, c. 29, s. 3; 1910 (2), c. 6, s.s.1,2]

4. The department shall have the control and management of all kindergarten schools, public and separate schools, normal schools, teachers' institutes and the education of deaf, deafmute and blind persons. [1901, c. 29, s. 4]

5. The Minister shall have the administration, control and management of the department and shall oversee and direct the officers, clerks and servants thereof.

[1901, c. 29, s. 5; 1910 (2), c. 6, s. 2.]

Regulations of the Department.

6. The Minister with the approval of the Lieutenant Governor in Council shall have power:

1. To make regulations of the department—

- (a) For the classification, organization, government, examination and inspection of all schools hereinbefore mentioned;
- (b) For the construction, furnishing and care of school buildings and the arrangement of school premises;
- (c) For the examination, licensing and grading of teachers and for the examination of persons who may desire to enter professions or who may wish certificates of having completed courses of study in any school;
- (d) For a teachers' reading course and teachers' institutes and conventions;

2. To authorize text and reference books for the use of the pupils and teachers in all schools hereinbefore mentioned as well as such maps, globes, charts and other apparatus or equipment

as may be required for giving proper instruction in such schools;

3. To prepare a list of books suitable for school libraries and to make regulations for the management of such libraries;

4. To make due provision for the training of teachers.

[1901, c. 29, s. 6; 1910 (2), c. 6, s. 2.]

Powers of Minister.

7. It shall be the duty of the Minister and he shall have power—

1. To appoint one or more persons to inquire into and report upon any appeal, complaint or dispute arising from the decision of any board or inspector or other school official or upon the condition of one or more schools or upon the financial condition of any district or upon any other school matter; and such person or persons shall have power to take evidence under oath or by affirmation; and the Minister upon receipt of such report shall make such order thereon as to him shall seem proper;

[1910 (2), c. 6, s. 2.]

2. To appoint an official trustee to conduct the affairs of any district; and any such official trustee shall have all the powers and authorities conferred by this Ordinance upon a board and its officers; and shall be remunerated out of the funds of the district or otherwise as the Lieutenant Governor in Council may decide; and upon the appointment of any such official trustee the board, if any, of any district for which he is appointed shall cease to hold office as such;

[1910 (2), c. 6, s. 4.]

3. To appoint some person to inquire into and report upon the conditions existing in any portion of the Province of Alberta that may not have been erected into a school district and subject to the provisions of this Ordinance in that behalf to take such action thereon as to him may seem expedient; and such person shall receive such remuneration as the Lieutenant Governor in Council may determine;

[1910 (2), c. 6, s. 1.]

4. To suspend or cancel for cause any certificate granted under the regulations of the department;

5. To cause to be prepared and printed recommendations and advice on the management of schools and districts for trustees and teachers;

6. To prepare suitable forms and give such instructions as may be necessary for making all reports and carrying out the provisions of this Ordinance;

7. To appoint some person to call any school meeting required to be held under this Ordinance when there is no person authorized to call such meeting or when the person so authorized neglects or refuses to act;

8. To cause to be prepared plans of buildings suitable for schools of one or two rooms;

9. To report annually to the Lieutenant Governor in Council upon all schools and institutes herein mentioned with such statements and suggestions for promoting education generally as he may deem expedient;

10. To make any provision not inconsistent with this Ordinance that may be necessary to meet exigencies under its operation;

11. To require the parents or guardian or employer, and in the case of no parent or guardian or employer the individual concerned, to furnish the board of any school district with such information regarding educational attainment and occupation as may be required by the Department of Education from time to time until such person has reached the full age of eighteen years.

[1915, c. 10, s. 1 (2); 1916, c. 9, s. 1.]

[1901, c. 29, s. 7; 1910 (2), c. 6, ss. 1, 2, 4; 1915, c. 10, s. 1 (1); 1916, c. 9, s. 1.]

7a. The Minister may establish in the City of Edmonton a teacher-training institution to be under the control of the Minister and to be known as "Alberta Teachers' College."

(2) Such institution may be located on the grounds of the University of Alberta and it shall be eligible for affiliation with the said University.

[1920, c. 13, s. 1 (10).]

EDUCATIONAL COUNCIL.

8. There shall be an educational council consisting of five persons at least two of whom shall be Roman Catholics to be appointed by the Lieutenant Governor in Council; who shall receive such remuneration as the Lieutenant Governor in Council shall determine.

(2) On the first constitution of the council three of the members shall be appointed for three years and two for two years; and thereafter each member appointed shall hold office for two years.

[1901, c. 29, s. 8.]

9. Meetings of the council shall be held at such times and places as may be determined by the Minister but at least one meeting shall be held in each calendar year.

[1903 (2), c. 27, s. 2; 1910 (2), c. 6, s. 2.]

10. All general regulations respecting the inspection of schools, the examination, training, licensing and grading of teachers, courses of study, teachers' institutes and text and reference books shall before being adopted or amended be referred to the council for its discussion and report.

[1901, c. 29, s. 10.]

11. The council shall consider such matters as may be referred to it as hereinbefore provided or by the Minister and may also consider any question concerning the educational system of the Province of Alberta as to it may seem fit and shall report thereon to the Lieutenant Governor in Council.

[1901, c. 29, s. 11; 1910 (2), c. 6, ss. 1, 2.]

FORMATION OF PUBLIC SCHOOL DISTRICTS.

12. Any portion of the Province of Alberta may be erected into a public school district provided that—

(a) It does not exceed four miles in length or breadth exclusive of road allowances;

- (b) It contains four persons actually resident therein who on the erection of the district would be liable to assessment, and eight children between the ages of five and sixteen inclusive:

Provided however that in special cases the Minister may permit the boundaries of any district to exceed four miles in length or breadth or either.

[1901, c. 29, s. 12; 1909, c. 5, s. 2; 1910 (2), c. 6, ss. 1, 2; 1913, c. 19, s. 2.]

13. Any three residents in any area fulfilling the requirements of the next preceding section may be formed or may form themselves into a committee to procure its erection into a district and may petition the Minister for such erection.

- (2) The petition shall be in form prescribed by the Minister.
[1901, c. 29, s. 13; 1910 (2), c. 6, s. 2.]

First School Meeting.

14. On receiving the approval of the Minister to the limits and name of any proposed district a notice calling a meeting of the ratepayers shall be posted up by the petitioners in at least five widely separated places within such limits one of which shall be the post office therein if there be such post office and if there be no post office therein a sixth notice shall be posted in the nearest post office thereto at least two weeks prior to the date of the said meeting.

- (2) The notice may be in form prescribed by the Minister.
[1901, c. 29, s. 14; 1910 (2), c. 6, s. 2.]

15. Satisfactory proof that the notices have been posted up as hereinbefore provided shall be furnished in such form as may from time to time be prescribed by the Minister.

[1910 (2), c. 6, s. 5.]

16. At one o'clock in the afternoon standard time of the day appointed in the notice calling the first school meeting the resident ratepayers present shall elect one of their number as chairman to preside over their proceedings and shall also appoint a secretary who shall record the minutes of the meeting and perform such other duties as may be required of him by this Ordinance.

[1901, c. 29, s. 16.]

17. The chairman shall upon his appointment sign the declaration provided in form A in the schedule to this Ordinance.

[1901, c. 29, s. 17.]

18. After the election of a chairman any person wishing to take any part in the meeting or vote thereat shall be required to sign in the presence of the chairman and secretary the declaration provided in form A in the schedule to this Ordinance and no person shall be allowed to take part in the meeting or vote thereat unless and until he shall have signed such declaration.

- (2) Any person subscribing to a declaration form A containing any false statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$10.

(3) Any declaration made under the provisions of this section shall be forwarded by the chairman to the Minister.

[1901, c. 29, s. 18; 1910, (2), c. 6, s. 2.]

19. The chairman may not vote on any question whether the same is to be decided by a show of hands or a poll but in case of a tie he must give a casting vote.

[1901, c. 29, s. 19.]

20. Upon his appointment and before any other business is transacted except as provided in section 18 of this Ordinance the chairman shall immediately cause a poll to be taken of the votes of the resident ratepayers for and against the formation of the proposed district.

[1901, c. 29, s. 20.]

21. On the taking of the poll the chairman shall preside and the secretary shall record the votes as they are given in the form prescribed by the Minister.

[1901, c. 29, s. 21; 1910 (2), c. 6, s. 2.]

22. The poll shall remain open for one hour at the end of which time it shall be closed by the chairman who shall then sum up the votes.

[1901, c. 29, s. 22.]

23. If the result of the poll is favourable to the formation of the district the chairman shall immediately call for nominations of persons to serve as trustees and the secretary shall record such nominations in the order in which they are made.

[1901, c. 29, s. 23.]

24. The persons nominated for the position of trustees shall be resident ratepayers of the proposed district and shall be able to read and write and shall hereafter be British subjects.

[1901, c. 29, s. 24; 1919, c. 32, s. 1 (5)]

25. Each candidate for the position of trustee shall be nominated by a mover and seconder both of whom shall be resident ratepayers of the proposed district.

[1901, c. 29, s. 25.]

26. Nominations shall be received by the chairman for thirty minutes after he first calls for the same.

[1901, c. 29, s. 26.]

27. In case the number of nominations does not exceed three the chairman shall declare the persons nominated to be elected.

[1901, c. 29, s. 27.]

28. If more than three candidates are nominated, the chairman shall, at the close of the time for receiving nominations, declare a poll open for the election of trustees, and such election shall be by ballot, and shall be conducted as is hereinafter provided with regard to the election of trustees at an annual school meeting in a rural district.

[1920, c. 13, s. 1 (2).]

29.

30.

31.

(*Repealed*, 1920, c. 13.)

32. Within ten days after the date of the first school meeting the chairman shall send to the department certified copies of—

- (a) The minutes of the meeting;
- (b) The poll for the erection of the district;
- (c) The poll for the election of trustees;
- (d) The notice calling the meeting;
- (e) The form of proof of posting notices required by section 15.

[1901, c. 29, s. 32; 1903 (2), c. 27, s. 3; 1910 (2), c. 6, s. 6.]

Order for Erection of School District.

33. Upon the receipt of the returns mentioned in the next preceding section and upon being satisfied that all the requirements and provisions of this Ordinance with reference to the formation of the district have been substantially complied with the Minister may order the erection of the proposed district into a school district and assign to it a name and number.

(2) Notice of the erection of the district shall be published in the official gazette; and such notice shall be conclusive evidence of the erections of the district and that all the necessary formalities have been complied with.

[1901, c. 29, s. 33; 1910 (2), c. 6, ss. 2, 7.]

34. Whenever complaint is made that the election of any trustee or that the proceedings or any part thereof of any first or other school meeting in any rural district have not been in conformity with this Ordinance the Minister may upon receiving the complaint of any ratepayer verified by solemn declaration of the complainant investigate the matter and render any decision in and about the same as to him shall appear proper.

(2) No such complaint shall be entertained by the Minister unless made to him in writing within twenty days after the holding of the election or meeting.

[1901, c. 29, s. 34; 1910 (2), c. 6, s. 2.]

Name of School District.

35. Every district created under this Ordinance shall be entitled "The.....School District No.....of the Province of Alberta."

(2) The Minister may from time to time alter the name or number or both of any district upon the petition of the board of such district or without such petition if the Minister deems it advisable and notice of such alteration shall be published in the official gazette but in such cases the seal theretofore used by such district shall continue to be the seal thereof until changed by the board.

(3) No change in the name or number or both of any district made in accordance with the provisions of this Ordinance shall affect any obligations, rights, actions or property incurred, established, done or acquired prior to such change.

[1901, c. 29, s. 35; 1910 (2), c. 6, ss. 1, 2, 8, 9.]

FIRST BOARD OF TRUSTEES.

Terms of Office.

36. The trustees elected at the first school meeting in any district shall hold office as follows: The trustee receiving the greatest number of votes shall hold office until the third annual meeting of the district is held; the trustee receiving the next greatest number of votes until the second annual meeting is held; and the trustee receiving the lowest number of votes until the first annual meeting is held:

Provided that in case there is no vote taken the trustees elected shall respectively hold office in the order in which they are nominated until the third, second and first annual meeting of the district is held:

Provided further that if any two or more trustees elected receive an equal number of votes they shall respectively hold office in the manner provided in the next preceding proviso:

Provided further that if the annual meeting of a district is not held in any year it shall for the purposes of this section be deemed to have been held at the regular time. [1901, c. 29, s. 36.]

Declaration of Office.

37. Every trustee shall before the first meeting of the board is held make the following declaration before the chairman of the meeting at which he was elected or a justice of the peace or commissioner for taking affidavits:

I, *A.B.*, do hereby accept the office of trustee to which I have been elected in (*name of school district in full*) and I will to the best of my ability honestly and faithfully discharge the duties devolving on me as such trustee.

Dated thisday of.....19....
A.B.,

Trustee.

(2) The chairman, justice of the peace or commissioner shall thereupon grant him a certificate in the following form:

I, *C.D.*, do hereby certify that (*name, residence and occupation of the person mentioned*) elected trustee for (*name of school district*) has this day made before me the declaration of office as prescribed by the *The School Ordinance* in that behalf.

C.D.,

Chairman, J.P., or Commissioner.

Dated this.....day of19....
 [1901, c. 29, s. 37.]

Organization of Board.

38. Upon the erection of a district the trustee elected for the longest term shall be notified of the erection of the district by the Minister; and he shall thereupon within ten days after receipt of such notice call a meeting of the board in the manner provided by this Ordinance for calling such meetings for the purpose of choosing one of its number as chairman and appointing a

secretary, treasurer or secretary-treasurer and transacting such other business as may be necessary.

[1901, c. 29, s. 38; 1910 (2), c. 6, s. 2.]

FORMATION OF SCHOOL DISTRICT BY MINISTER.

39. The Minister may authorize the erection of any portion of the province into a district and notice of the erection of any such district shall be published in the official gazette, which notice shall be conclusive evidence that the district has been duly erected and constituted in accordance with the provisions of this Ordinance.

(2) Where in the opinion of the Minister it is advisable that a temporary school should be established in any district he may authorize the board to lease premises for such purpose and make such repairs or alterations as may be necessary to fit the same for school purposes, or to purchase a tent to be used as a school building and for the purposes of this Ordinance such tent shall be deemed to be a frame school building.

[1916, c. 9, s. 1; 1917, c. 43, s. 1; 1918, c. 39, s. 1 (2).]

40. In case of the erection of any district in accordance with the provisions of the next preceding section the Minister may appoint some person to call a meeting of the resident ratepayers of the district to elect trustees which person shall act as chairman of the meeting; and the election held shall be conducted in the manner provided for the election of trustees at a first school meeting; and the trustees elected shall within ten days after their election take the declaration of office and meet to organize the board as hereinbefore provided.

[1901, c. 29, s. 40; 1910 (2), c. 6, s. 2.]

40a. Two or more school districts of any kind, either with or without parts of any other district or districts; or parts of any two or more districts; or any district with parts of one or more other districts; or any one or more districts or parts of districts together with unorganized territory; or unorganized territory alone of not less than thirty and not more than eighty square miles in area may consolidate by the formation of a new district in the manner hereinafter provided and a district so formed by consolidation shall be known as a "consolidated school district."

[1901, c. 29, s. 40a; 1918, c. 39, s. 1 (3); 1919, c. 32, s. 1 (6).]

40b. Before any steps are taken to organize a consolidated school district the Minister may authorize an investigation of the proposed consolidation by a committee consisting of—

- (a) An Inspector of Schools or other official of the Department of Education who shall be the convener of the committee;
- (b) The boards of trustees of the districts wholly or partially included in the proposed consolidation area and representatives of any unorganized territory therein.

The said committee shall prepare a map or plan of the proposed consolidated district showing its boundaries, the number and residence of the children of school age, the travelled roads, rivers,

streams, lakes, irrigation ditches, bridges, the proposed van routes and any other features of essential value, and shall submit the said map or plan to the Minister together with such other information as may be required. The Minister may thereupon authorize the holding of one or more public meetings within the proposed consolidated district at which a representative of the Department of Education shall be present for a discussion of the proposed consolidation, and may then, if he deems it advisable, approve the boundaries of the proposed consolidated district and authorize the circulating of a petition asking for a vote on the question of consolidation:

Provided always that the Minister may in his discretion vary or modify the method of investigation of a proposed consolidation as above set forth and may adopt such other methods of investigating the suitability of conditions for consolidation in any proposed consolidated district as he may deem expedient.

[1901, c. 29, s. 40, 6; 1918, c. 39, s. 1 (4); 1919, c. 32, s. 1 (6).]

40c. After the investigation of conditions as above provided, if there is no district or part of a district containing a town or village within the proposed consolidated district, then upon the approval of the boundaries thereof by the Minister and upon the presentation of a petition in the form prescribed signed by at least 25 per cent. of the resident ratepayers of each district or part of a district or unorganized territory within the proposed consolidated district asking for a vote to be taken on the question of consolidation the Minister may authorize that public notice be posted in five conspicuous places in each district and in as many places as the Minister may determine in any part of a district or unorganized territory included in the proposed consolidated district and an additional notice in a post office within the proposed consolidated district, and if there be no such post office, then in the post office nearest thereto, calling a meeting of the resident ratepayers to be held within the proposed consolidated district at a time and place determined by the Minister and specified in such notice to vote upon the question of consolidation. The said notices shall be posted at least fourteen days before the date of the said meeting and satisfactory proof that the notices have been posted as herein provided shall be furnished in such form as may be prescribed by the Minister.

[1901. c. 29, s. 40c; 1919, c. 32, s. 1 (6).]

40d. At such meeting the resident ratepayers shall elect from their number a chairman and secretary, who shall be the officers of the meeting. The chairman shall appoint two or more scrutineers and the vote at such election or meeting shall be by ballot, which shall read "For consolidation" or "Against consolidation." Each voter must sign the declaration in the form A(b) in the schedule to this Ordinance before receiving a ballot. The election officers shall keep a poll list in the form prescribed in which they shall write the name and residence of each ratepayer voting, numbering the same in consecutive order. The poll shall be opened immediately after the election of the chairman and secretary and shall remain open for such period as may be determined by the Minister, which period shall be stated in the notice calling the meeting. Each voter shall, after marking his ballot, fold it so as

not to disclose any markings thereon and hand the same to the chairman of the meeting who shall deposit it in the ballot box. The chairman shall have the right to vote, and upon marking his ballot shall hand it to the secretary who shall deposit it in the ballot box. At the time fixed the poll shall be closed and the officers of the meeting shall forthwith count the votes and certify the result of the vote on the form prescribed, place the certificate, poll list, ballots, declarations and all other records of the election in an envelope, securely seal and forthwith send the same by registered mail to the Minister of Education.

[1901, c. 29, s. 40*d*; 1919, c. 32, s. 1 (6).]

40e. If there is a district or part of a district containing a town or village within the proposed consolidated district, then upon the approval of the boundaries thereof by the Minister and upon presentation of a petition in the form prescribed signed by at least twenty-five (25%) per cent. of the resident ratepayers of each district or part of a district or unorganized territory within the remaining area included in the proposed consolidated district, the Minister may authorize a vote to be taken of the resident ratepayers of said remaining area on the question of consolidation as nearly as may be in accordance with the provisions of sections 40*c* and 40*d* hereof, but no vote shall be taken in such district or part of a district containing a town or village unless a demand for a vote to be taken therein is made as hereinafter provided.

(2) If the majority of the votes cast in said remaining area of the proposed consolidated district are in favor of consolidation the Minister may thereupon direct the board of such district containing a town or village and either wholly or in part included within the proposed consolidated district as aforesaid to pass a resolution approving or disapproving of the proposed consolidation.

(3) The board shall after passing said resolution forthwith give public notice that such resolution has been passed and that a copy of the same will be transmitted to the Minister of Education unless a demand for a vote on the question of consolidation is made as hereinafter provided. Every such notice shall be in the form prescribed by the Minister and copies of the same shall be posted up in at least five conspicuous places in the district or part thereof, one of which shall be the post office therein.

(4) A vote of the resident ratepayers of such district or part of a district on the question of consolidation may be demanded within eight days after the date of posting the notices mentioned in the next preceding paragraph by a demand in writing signed by twenty-five resident ratepayers in the case of a district or part of a district containing a town and fifteen resident ratepayers in the case of a district or part of a district containing a village and every such demand shall be delivered either to the secretary of the district or in his absence to the chairman of the board, and the board shall forthwith send a copy of the same to the Minister—

(5) If no vote is demanded as provided in the next preceding paragraph the board shall transmit to the Minister:

- (a) A certified copy of the resolution on consolidation;
- (b) A certified copy of the notice provided in clause 3 hereof, and a statutory declaration proving posting of the notices;

(c) Such other information as may be required by the Minister.

(6) If a vote has been demanded as hereinbefore provided the board shall as soon as may be cause public notice to be posted in at least five conspicuous places in the district or part of a district in question one of which shall be in a post office therein calling a meeting of the resident ratepayers to be held at a time and place specified in such notice to vote upon the question of consolidation. The said notice shall be posted up at least eight clear days before the meeting and the said meeting shall be conducted and the vote thereat taken as nearly as may be in accordance with the provisions of section 40d hereof:

Provided always that any portion of the province, the area of which is not more than six hundred and forty acres not in whole or in part included within the limits of any city, town or village and containing approximately twenty-five separate buildings each of which is occupied as a dwelling house may be deemed a village for the purposes of sections 40c to 40f inclusive of this Ordinance if the Minister so decides, and the decision of the Minister as to what shall be deemed a village under this proviso shall be final.

[1901, c. 29, s. 40e; 1919, c. 32, s. 1 (6).]

40f. Upon being satisfied that all requirements with reference to taking the vote have been substantially complied with, if a majority of the votes cast in the total area of the proposed consolidated district have been cast in favor of consolidation when there is no district or part of a district therein containing a town or village, or if a district or part of a district containing a town or village is included within the proposed consolidated district and there is a majority of the votes cast in the remaining area in favor of consolidation and the board of such district containing a town or village and either in whole or in part included within the proposed consolidated district has by resolution as hereinbefore provided approved of the proposed consolidation, or in the event of a vote in such district or part of a district containing a town or village having been demanded and a majority of the votes cast are in favor of consolidation, then the Minister may by order, notice of which shall be published in the official gazette, erect such school districts, or part of districts, or unorganized territory as are included within the boundaries of the proposed consolidation into a consolidated school district:

Provided however that the Minister shall make all necessary alterations in the boundaries of any districts affected by the proposed consolidation and shall erect such districts as he may deem advisable prior to the erection of consolidation.

[1901, c. 29, s. 40f; 1918, c. 39, s. 1 (5); 1919, c. 32, s. 1 (6).]

40g. Notwithstanding any of the provisions hereinbefore contained, if the Minister deems it necessary on account of special educational difficulties in any portion of the province to establish a consolidated school he may by order, notice of which shall be published in the official gazette, erect any portion of the province into a consolidated school district without any further or other proceedings as hereinbefore mentioned precedent to such order being had or taken, and the publication of the notice of such order in the official gazette shall be conclusive evidence that such con-

solidated school district has been duly erected and constituted in accordance with the provisions of this Ordinance; provided that the Minister shall make all necessary alterations in the boundaries of any districts affected by the proposed consolidation and shall erect such districts as he may deem advisable prior to the erection of the consolidated district; and provided further that not more than two consolidated districts may be erected under the provisions of this section in any one year.

[1901, c. 29, s. 40g; 1919, c. 32, s. 1 (6).]

40h. Every consolidated school district formed as hereinbefore provided shall be entitled "The..... Consolidated School District, No. of the Province of Alberta," and shall be given such name as the Minister shall designate in the order forming the same. Such consolidated school districts shall be numbered consecutively, the first of such districts to be established to be assigned the number 1, and the Minister shall have power to change the name of any consolidated district in accordance with the provisions of section 35 hereof.

[1901, c. 29, s. 40h; 1919, c. 32, s. 1 (6).]

40i. After the erection of a consolidated district the Minister shall have the power to alter the boundaries thereof by adding to or taking from the area of any district which forms a part of the consolidated district.

[1901, c. 29, s. 40i; 1919, c. 32, s. 1 (6).]

40j. The Minister may authorize notices to be posted and a vote to be taken in a district or part of a district or unorganized territory as nearly as may be in accordance with the provisions of sections 40c and 40d of this Ordinance for the purpose of ascertaining if the majority of the resident ratepayers thereof are in favor of the union of such district or part of a district or unorganized territory with an adjacent consolidated district or districts. If a majority of all the votes cast have been cast in favor of the proposed union or consolidation and if the same has been approved by resolution of the board or boards of the consolidated district or districts the Minister may by order, notice of which shall be published in the official gazette, unite such district or part of a district or unorganized territory with the consolidated district or districts:

Provided always that before issuing such order the Minister may make such alterations in the boundaries of existing districts or erect such districts as he may deem advisable.

[1901, c. 29, s. 40j; 1919, c. 32, s. 2 (6).]

40k. The publication in the official gazette of the notice of the order erecting any school districts into a consolidated school district, or uniting any district or districts or parts thereof or unorganized territory with an existing consolidated district or districts or altering the boundaries of a consolidated district by adding to or taking from the area of any district which forms a part of the consolidated district shall be final and conclusive evidence that all matters required preliminary to such order have been complied with. [1901, c. 29, s. 40k; 1919, c. 32, s. 1 (6).]

40l. Upon the erection of two or more districts into a consolidated district or upon the union of any district with a consolidated district as aforesaid, none of the districts so entering into a consolidation shall lose its existence as a corporate body; and the debts and liabilities of every such district shall continue to be a charge upon such district as fully and completely as if such consolidation or union had not taken place, but the business of each of such districts shall be managed and conducted as provided in this Ordinance excepting in so far as variation is made herein applying to the administration of such districts when erected into or united with a consolidated school district:

Provided that the board of the consolidated district may, with the consent of the Minister, take over the assets and assume the liabilities of the districts or any one or more of them included in such consolidation, upon such terms and conditions as may be agreed upon by the said board and the trustee or trustees representing the district or districts the assets and liabilities of which are being taken over and assumed, but such agreement shall not prejudicially affect the rights or security of the holder of any debentures issued by the district or districts, the assets and liabilities of which are being taken over and assumed.

[1901, c. 29, s. 40l; 1919, c. 32, s. 1 (6).]

40m. Upon the erection of a consolidated school district the trustees of the districts forming the consolidated district shall cease to hold office and the Minister shall appoint an official trustee for each of the said districts and for the consolidated district who shall hold office from the time of the erection of consolidation until a board of trustees for the consolidated district has been elected or appointed, and the Minister shall forthwith direct that public notices be posted in five conspicuous places in each district in the consolidated district, one of which shall be the post office therein, and if there be no such post office then an additional notice in the post office nearest thereto calling a meeting of the resident ratepayers of each of said districts for the election of a trustee or trustees. The notice shall give the time and place of the meeting and shall be posted at least eight days before the day for which the meeting is called. The resident ratepayers present at the meeting of each of said districts shall at once elect from their number a chairman and secretary and the chairman shall immediately call for nominations for the office of trustee and otherwise the nominations and election shall be conducted as nearly as may be in accordance with the provisions of this Ordinance respecting the nomination and election of school trustees for a village district except that the declaration in form B(d) shall take the place of forms B(a) or B(b) as provided in section 58 of this Ordinance and in the case of a district containing a town the poll shall remain open for four hours and provided that the first or any subsequent meeting for the election of a trustee for any district in the consolidated district may be held at a place outside the boundaries of such district but within the limits of the consolidated district. The trustees so elected shall constitute the board of the consolidated district as hereinafter provided and shall within ten days after their election take the declaration of office and meet to organize the board in accordance

with the provisions of this Ordinance, and transact such other business as may be required.

[1901, c. 29, s. 40m; 1919, c. 32, s. 1 (6).]

40n. The board of trustees of a consolidated school district shall consist of one trustee for each district in the consolidated district except for a district therein containing a town for which there shall be two trustees. The trustees elected to the first board of a consolidated school district shall hold office as follows:

If a district containing a town is included in the consolidated district the trustee for such district receiving the highest number of votes shall hold office till the second annual meeting is held and the trustee receiving the next highest number of votes shall hold office till the first annual meeting is held. If said trustees are elected by acclamation or if they receive an equal number of votes, they shall hold office respectively in the order in which they are nominated until the second and first annual meetings of the district are held. One-half of the total number of trustees for all of the remaining districts therein if there is no district containing a town included in the consolidated district if they be an even number and a majority of one if they be an odd number shall hold office until the second annual meeting is held and the remaining trustees shall hold office until the first annual meeting is held; and the sequence of the numbers of the said districts shall determine the order in which the trustees of such districts shall retire, the trustees representing the districts with the lower numbers to hold office till the second annual meeting and those representing the districts with the higher numbers to hold office till the first annual meeting.

All succeeding trustees shall be elected for a period of two years as hereinafter provided:

Provided however that the trustees forming the board of any consolidated district established before the passing of this Act shall continue in office until the next annual meeting when they shall all retire and a new board of trustees shall be elected as nearly as may be in accordance with the provisions of section 40r hereof for the election of trustees for a consolidated district and the terms for which they shall respectively hold office shall be determined in the same manner as in the case of the first board of trustees of a consolidated district as above provided and all succeeding trustees shall be elected for a term of two years in accordance with the provisions of section 40r hereof.

[1901, c. 29, s. 40n; 1919, c. 32, s. 1 (6).]

40o. In the event of a consolidated school district formed by the union of only two districts, neither of which contains a town, the two trustees elected for such districts, after taking the oath of office shall forthwith under their hand appoint an additional trustee who shall hold office until the next annual meeting and henceforth after the election of a trustee at the annual meeting the two trustees shall in like manner select an additional trustee, and in the event of the two elected trustees being unable to agree as to the selection of an additional trustee as aforesaid such trustee shall be appointed by the Minister.

[1901, c. 29, s. 40o; 1919, c. 32, s. 1 (6).]

40p. Upon the union of any district with a consolidated district in accordance with section 40j hereof the trustees of such district so uniting with a consolidated district if there be a board of trustees shall cease to hold office and the Minister shall authorize such district to hold a meeting forthwith for the election of a trustee, which election shall be conducted as nearly as possible in the manner hereinbefore provided for the first election of trustees for a consolidated district and the Minister shall fix the duration of the term of office of such trustee and upon taking the declaration required by this Ordinance such trustee shall become a member of the board of the consolidated district; provided always that the Minister may appoint an official trustee for such district to hold office during the interval between the union of such district with the consolidated district and the election of a trustee for such district as aforesaid.

[1901, c. 29, s. 40p; 1919, c. 32, s. 1 (6).]

40q. When any vacancy is created in the board of a consolidated school district it shall be the duty of the remaining trustees in office forthwith to call a special meeting of the ratepayers of the particular district within the consolidated district for which the vacancy occurs to elect a trustee to fill such vacancy, and if any vacancy is not filled within one month the Minister may appoint some qualified person to fill the same. The election of a trustee to fill any vacancy shall only be held at a special meeting called for that purpose and in the same manner as at the annual meeting for the election of a trustee or trustees for such district except that such meeting may be held at a place within the particular district in question and nominations shall be received by the chairman for thirty minutes from two o'clock in the afternoon, the poll shall remain open for three hours after nominations close, and the provisions of section 105 of this Ordinance shall apply to a trustee so elected:

"Provided that if the office of trustee becomes vacant at any time after the first day of December in any year and before the next annual meeting of the consolidated district an election to fill such vacancy may be held at the time and in the manner provided for the election of trustees at the annual meeting of the consolidated district. [1901, c. 29, s. 40q; 1919, c. 32, s. 1 (6).]

40r. An annual meeting of the ratepayers of a consolidated school district shall be held at a central place within the district not later than the fifteenth day of January in each year commencing at thirty minutes after one o'clock in the afternoon, standard time, and the business thereat transacted as nearly as may be in accordance with the provisions of this Ordinance respecting annual meetings in village districts except as hereinafter provided.

(2) Such meeting, as soon as the other business of the consolidated district has been transacted, or at three o'clock in the afternoon if the other business be not then completed, shall adjourn and the resident ratepayers of each district included in the consolidated district the term of office of whose trustee has expired or for which there is a vacancy to be filled shall then meet separately for the purpose of electing a trustee or trustees. The

resident ratepayers present at the meeting of such district as aforesaid shall at once elect from their number a chairman and secretary and the chairman shall immediately call for nominations for the office of trustee, and otherwise the provisions of this Ordinance with respect to the nomination and election of a trustee at the annual meeting in village districts shall apply, except that the declarations in form B(d) or B(e) shall take the place of form B(a) or B(b) as provided in section 58 of this Ordinance; provided that in the case of a district containing a town the poll shall remain open for a period of four hours.

(3) Apart from the meeting for the purpose of electing a trustee as above provided, a school district included in a consolidated district shall not be required to hold an annual meeting, but a special meeting of the ratepayers of any such district or of any consolidated district may be held at any time in accordance with the provisions of this Ordinance relating to special meetings of ratepayers.

[1901, c. 29, s. 40r; 1919, c. 32, s. 1 (6).]

40s. Whenever complaint is made that the election of a trustee for any district within a consolidated district or that the proceedings or any part thereof of any first or other meeting of the ratepayers of any consolidated district or of any district within a consolidated district have not been in conformity with the provisions of this Ordinance the Minister may upon receiving the complaint of any ratepayer of the consolidated district verified by statutory declaration of the complainant investigate the matter and render any decision in and about the same as to him shall appear proper, but no such complaint shall be entertained by the Minister unless made to him in writing within twenty days after the holding of the election or meeting in question.

[1901, c. 29, s. 40s; 1919, c. 32, s. 1 (6).]

40t. In every school district within a consolidated district the school trustee or trustees elected or appointed as hereinbefore provided shall, with respect to all the property, assets and liabilities of such district, possess all the powers and be subject to all the responsibilities of the board of trustees for such district but the secretary-treasurer of the consolidated district shall be the secretary-treasurer of each of the districts within such consolidated district.

[1901, c. 29, s. 40t; 1919, c. 32, s. 1 (6).]

40u. The trustees of every consolidated school district shall be a corporation under the name of the "The Board of Trustees of.....Consolidated School District, No.....of the Province of Alberta," and shall possess all the powers and perform all the duties and be subject to all the liabilities conferred and imposed by this Ordinance upon the trustees of village school districts.

[1901, c. 29, s. 40u; 1919, c. 32, s. 1 (6).]

40v. In addition to the powers, duties and liabilities conferred and imposed by the preceding section, the board of trustees of any consolidated school district shall supply and operate vans or conveyances for the conveyance to and from school of all pupils residing on any quarter section therein whose nearest boundary

is more than one and one half miles distant in a direct line from the school site of the consolidated district, unless the Minister upon investigation otherwise directs, and except as hereinafter mentioned, and may determine the van routes to be followed, provided that the vans or conveyances supplied, the van routes followed, and the contracts with the van drivers shall be subject to the approval of the Minister.

(2) In the interval between the erection of consolidation and the time when school facilities have been provided at the consolidation centre it shall not be obligatory on the board to provide conveyance for pupils residing within the limits of a school district in the consolidated district in which a school is being operated, but provisions shall be made by the board for the conveyance of pupils residing in a district within the consolidated district in which there is no school in operation.

(3) The board shall not be required to provide conveyance for the children of isolated families but shall, subject to the approval of the Minister, make arrangements with the parents or guardians for the conveyance of such children to and from school or to and from the nearest conveyance route if the nearest boundary of the quarter section on which they reside is more than two miles distant by the nearest travelled road from the school site or more than one mile in a direct line from a regular conveyance route and shall pay therefor a sum not exceeding twenty-five cents a mile per family per day for every mile the nearest boundary of the quarter section on which the family resides is distant from the school or conveyance route, provided that the total sum payable to the parents or guardians of any one family hereunder shall not exceed one dollar per day.

(4) Unless the Minister otherwise directs it shall not be obligatory on the board to provide conveyance for any of the pupils of a consolidated school district if none of the pupils thereof reside more than two and one half miles from the school site measured by the nearest highway from the nearest boundary of the quarter section or lesser parcel of land upon which a pupil resides; but subject to the approval of the Minister, the board of a consolidated district may make provision for the conveyance to and from school of all pupils within the consolidated district.

(5) Daily records shall be kept by the principal of a consolidated school showing the days on which each van driver was absent or late and the number of pupils conveyed and such other information as may be required in such form as may be prescribed by the Minister. [1901, c. 29, s. 40v; 1919, c. 32, s. 1 (6).]

40w. All consolidated school districts heretofore erected or purporting to have been erected are hereby confirmed as districts legally erected and established under this Ordinance with any alterations of boundaries made or purporting to have been made and all debentures issued by the boards of trustees of any such consolidated school districts are hereby confirmed and declared to be legal and valid charges upon the property of the districts issuing the same notwithstanding any defect or irregularity in any proceedings either in substance or in form in respect of or preliminary to the erection of such districts or alterations of the boundaries thereof or the issuing of such debentures.

[1901, c. 29, s. 40w; 1919, c. 32, s. 1 (6).]

41. The minority of the ratepayers in any district whether Protestant or Roman Catholic may establish a separate school therein; and in such case the ratepayers establishing such Protestant or Roman Catholic separate school shall be liable only to assessments of such rates as they impose upon themselves in respect thereof. [1901, c. 29, s. 41.]

42. The petition for the erection of a separate school district shall be signed by three resident ratepayers of the religious faith indicated in the name of the proposed district; and shall be in the form prescribed by the Minister. [1901, c. 29, s. 42; 1910 (2), c. 6, s. 2.]

43. The persons qualified to vote for or against the erection of a separate school district shall be the ratepayers in the district of the same religious faith Protestant or Roman Catholic as the petitioners. [1901, c. 29, s. 43.]

44. The notice calling a meeting of the ratepayers for the purpose of taking their votes on the petition for the erection of a separate school district shall be in the form prescribed by the Minister and the proceedings subsequent to the posting of such notice shall be the same as prescribed in the formation of public school districts. [1901, c. 29, s. 44; 1910 (2), c. 6, s. 2.]

45. After the establishment of a separate school district under the provisions of this Ordinance such separate school district and the board thereof shall possess and exercise all rights, powers, privileges and be subject to the same liabilities and method of government as is herein provided in respect of public school districts.

(2) Any person who is legally assessed or assessable for a public school shall not be liable to assessment for any separate school established therein. [1901, c. 29, s. 45.]

SCHOOL SITE.

46. In every rural, consolidated and village school district, the board shall acquire a site for a school, and may acquire a site for a teacher's residence at such point in each case in the district as is approved or selected by the Minister. [1920, c. 13, s. 1 (3).]

(2) In the event of its being shown to the satisfaction of the Minister that the title of any site cannot be obtained by the district by reason of the refusal or failure of the owner to sell such site or to accept a fair price for it or by reason of a mortgagee or other person interested in such site refusing or failing to release his mortgage or interest the Minister may execute a transfer of the said site in favour of the district and upon application *ex parte* to a judge of the Supreme Court and upon presentation of such transfer he shall make an order vesting the title of the lands described in the transfer in the school district free from all charges and encumbrances other than taxes.

(3) The amount and in case there are more parties than one interested the manner of payment of the compensation to be paid for the site acquired under the provisions of the next preceding

subsection shall be determined by two arbitrators one appointed by the district and the other by the owner or persons interested under the provisions of *The Arbitration Act*.

(4) Each member of the board of any district that acquires a school site in violation of or non-compliance with the provisions of this section shall be personally liable on summary conviction, on information laid by the Minister or any ratepayer of such district, to a penalty not exceeding \$100 and costs, but the members of such board shall not be liable for the cost of any site so acquired and of any building erected thereon:

Provided, however, that any member of the board voting against the resolution of the board for the acquisition of such site and the erection of such building, if any, shall not be liable under this subsection.

(5) The Minister may, by order, authorize the board to enter upon and take possession of the land so selected or approved as a school site or site for a teacher's residence and the school district shall be entitled to possession of such land for school purposes as against all persons whatsoever excepting the Crown. Any compensation for the dispossession of any person of any land included in a school site or site for a teacher's residence so acquired shall be settled by arbitration under the provisions of *The Arbitration Act*. Before any school board shall take possession of any such land, the secretary-treasurer shall file in the land titles office for the land registration district in which the land is situated a caveat in accordance with the provisions of *The Land Titles Act*.

[1901, c. 29, s. 46; 1903 (2), c. 27, s. 4; 1910 (2), c. 6, ss. 2, 10; 1913 (1), c. 19, s. 5; 1918, c. 39, s. 1 (6).]

47. In every town district the board may select such site as in its judgment is desirable subject to ratification by the rate-payers in the case of debentures being issued.

(2) The provisions of subsections (2) and (3) of section 46 hereof shall *mutatis mutandis* apply in the case of such site selected as aforesaid by the board of a town district.

[1901, c. 29, s. 47; 1910 (2), c. 6, s. 11; 1916, c. 9, s. 1.]

ALTERATION IN LIMITS OF SCHOOL DISTRICTS.

48. The Minister may by order notice of which shall be published in the official gazette alter the boundaries of any district by adding thereto or taking therefrom or divide one or more existing districts into two or more districts or unite portions of any existing district with another district or with any new district in case it has been satisfactorily shown that the rights of rate-payers under section 14 of *The North-West Territories Act* to be affected thereby will not be prejudiced and that the proposed changes are for the general advantage of those concerned.

[1901, c. 29, s. 48; 1910 (2), c. 6, s. 2.]

49. In the case of any district having debenture indebtedness outstanding no alteration shall be made in the boundaries thereof which will prejudicially affect the rights or security of the holder of such debentures without due provision being made for the protection of such holder.

[1901, c. 29, s. 49.]

50. Upon the alteration of the boundaries of any district due provision shall be made for the settlement and adjustment of the assets and liabilities of the same between the districts into which the same may be divided or between the same and the portions thereof added to or taken therefrom; and the Minister may cause the necessary inquiries to be made in order to ascertain and determine the due proportion of such assets and liabilities and the best method of settling and adjusting the same as aforesaid and may in his discretion appoint one or more persons to make such inquiries and report thereon and may prescribe and declare the terms of such settlement and adjustment and the manner in which the same shall be carried into effect and in cases in which by the terms of such settlement and adjustment any rates or taxes are required to be levied or collected upon property in any division of such district or taken from such district may prescribe by whom, at what times and in what manner such rates and taxes shall be raised, levied and collected and to whom the same or any part thereof shall be paid and by what district or districts, in what proportions and to whom the expenses of such settlement and adjustment shall be paid.

(2) When any area is added to or taken from any district the Minister may by order make all provisions necessary to meet the exigencies of the case respecting the assessment of property in such area and the levying, collection and application of taxes on such property or one or more of said matters for the then current year and the matters dealt with in such order shall be done according to the terms thereof and not otherwise.

(3) Whenever any real property, the title of which is registered in the name of a district, is vested in any other district in consequence of union with or alterations of the boundaries of such other district, and the Minister by order so vests such real property, a copy of such order duly certified by the Minister shall be sufficient evidence to the registrar of the land registration district in which such real property is situate, of such change of ownership and the said registrar shall without the charge of any assurance fund fees upon request in writing of such other district and upon production of a certified copy of the order as aforesaid and the duplicate certificate of title covering the same, register it as owner of such real property.

[1901, c. 29, s. 50; 1910, (2), c. 6. ss. 2, 12; 1913 (1), c. 19, s. 6; 1913(2), c. 16, s. 1.]

51. The Lieutenant Governor in Council may by order notice of which shall be published in the official gazette declare that on and after a day therein to be named any district shall be disorganized and thereupon the same and the board thereof shall cease to have or enjoy any of the rights, powers and privileges vested in such corporations by this Ordinance; and upon any such disorganization of a district the Minister may appoint one or more persons to adjust and settle the assets and liabilities of such district; and such person or persons so appointed shall have full power and authority to sell and dispose of and convert into money all the assets and property of such district and apply the same so far as the same will extend: first in payment of the liabilities of the said district; and second in payment of his or their remunera-

tion as hereinafter mentioned and divide the surplus if any *pro rata* among the ratepayers of the said district entitled to share therein; and in case the amount so realized shall be insufficient to pay and satisfy the liabilities of the said district and his or their remuneration then such person or persons shall have full power and authority to assess, levy, collect and enforce payment in the same manner as boards, assessors, collectors and treasurers are authorized to do by *The School Assessment Ordinance* of such sum or sums of money as may be required to pay and satisfy such indebtedness or any balance thereof remaining unpaid and all expenses connected therewith including his or their remuneration which shall be fixed by the Minister.

[1901, c. 29, s. 51; 1910 (2), c. 6, s. 2.]

UNION OF PUBLIC AND SEPARATE SCHOOL DISTRICTS.

52. If in any area there exist a public school district and a separate school district and it is resolved by the ratepayers of each of such school districts at a public meeting of such ratepayers respectively called for the purpose of considering the question that it is expedient that such districts should be disorganized for the purpose of the union of the same and the erection of such area into a public school district the Minister may by order notice of which shall be published in the official gazette disorganize such existing districts and erect such area into a public school district with such name as he may decide upon; and thereafter the Minister may make such orders, provisions and appointments as to him shall appear proper for the carrying into effect of such disorganization and the erection of the public school district and as to all matters incident thereto and necessary for the establishment and operation of the same as a public school district and for the carrying out therein of all the provisions of this Ordinance and for the adjustment, arrangement and winding up of all the affairs of such disorganized districts and for the settlement of their liabilities and disposition of their assets:

Provided that unless the liabilities of such disorganized districts are not otherwise liquidated the same shall be assumed by and imposed upon such newly created district and any debentures issued by the disorganized districts or either of them shall have force and effect upon the newly established district and the property and rates thereof as they had upon the district by which they were respectively issued and its property and rates; and the trustees of such newly organized district may authorize and direct the levy and collection of such rate or rates as may from time to time be necessary for the discharging of any liability or debenture indebtedness of a disorganized district assumed by or imposed upon such new district. [1901, c. 29, s. 52; 1910 (2), c. 6, s. 2.]

ANNUAL SCHOOL MEETING.

In Rural and Village Districts.

53. An annual meeting of the ratepayers of every rural, consolidated and village district shall be held in the school-house or some other suitable place within the district not later than the

fifteenth day of January in each year commencing at any fixed hour between the hours of two and seven o'clock in the afternoon standard time.

[1901, c. 29, s. 53; 1910 (2), c. 6, s. 13; 1920, c. 13, s. 1 (4).]

54. The meeting shall be called by the board which shall at least eight days before the day for which the meeting is called post public notices giving the day, place and hour of meeting; and such notices shall be posted up in five conspicuous places within the district one of which shall be the post office and if there be no such post office a sixth notice shall be posted up in the post office nearest therto. [1901, c. 29, s. 54.]

55. At the time hereinbefore provided for the commencement of the meeting the chairman of the board shall take the chair and call the meeting to order and the secretary of the board or someone appointed by the chairman shall record the minutes of the meeting and perform such other duties as may be required of him by this Ordinance.

(2) In the absence of the chairman the ratepayers present shall forthwith elect one of their number to preside.

[1901, c. 29, s. 55.]

56. The chairman may not vote on any question whether the same is to be decided by a show of hands or a poll but in case of a tie he must give a casting vote. [1901, c. 29, s. 56.]

57. Any ratepayer whether resident or not shall be entitled to take part in the annual school meeting but only resident ratepayers shall be entitled to vote for the election of a trustee.

[1901, c. 29, s. 57; 1910 (2), c. 6, s. 14; 1913 (1), c. 19, s. 7.]

58. The chairman shall if requested by any ratepayer or of his own accord require any person wishing to vote for the election of a trustee to subscribe to the declaration in form B(a) or B(b) in the schedule of this Ordinance; and any person subscribing to such declaration shall be permitted to vote at such election.

(2) Every such declaration shall be subscribed to in the presence of the chairman and secretary who shall subscribe their names as witnesses thereto.

(3) Any person subscribing to a declaration form B(a) or B(b) containing any false statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$10.

(4) All declarations made under the provisions of the next preceding sections shall be retained by the chairman.

[1901, c. 29, s. 58; 1918, c. 39, s. 1 (7).]

59. The business of the annual meeting may be conducted in the following order:

1. Receiving and considering the statements prepared by the teacher, trustees, treasurer, collector and auditor;
2. Receiving and considering the inspector's report;
3. Miscellaneous business;
4. Election of trustees.

[1901, c. 29, s. 59; 1903 (2), c. 27, s. 5.]

60. The chairman upon taking his place shall immediately call upon the secretary to read the following statements and reports which shall be considered and disposed of by the meeting:

1. A statement of the teacher signed by him giving the following particulars:

- (a) The number of days on which school was kept open during each term succeeding the last annual meeting;
- (b) The total number of children attending school during that period specifying the number of males and females respectively;
- (c) The number of children of school age residing in the district who did not attend school during the year;
- (d) The average daily attendance for each term and for the year;
- (e) The classification of pupils and the number of pupils in each standard or class;
- (f) The subjects taught in the school and the number of children studying each;
- (g) The number of scholars suspended or expelled for misbehaviour or other causes;
- (h) The date upon which the public examination of the school was held and the number of visitors present;

2. A statement prepared by the trustees showing;

- (a) The names of the trustees;
- (b) The officers of the district appointed by the trustees and their salaries;
- (c) The vacancies created in the board during the year giving the causes thereof with an account of the elections held to fill such vacancies and the results thereof;
- (d) The engagements entered into during the year by the board as well as an account of those entailed upon them by their predecessors;
- (e) The number of regular and special meetings of the board held during the year together with a statement showing the number of meetings attended by each member;
- (f) The number of visits made by each member of the board to the school while it was in operation;

3. The treasurer's statement for the fiscal year ending on the thirty-first day of December preceding the annual meeting in which shall be set forth—

- (a) The amounts of money received by the district from each source of revenue including government grants whether paid directly to the teachers or not;
- (b) The amounts of money paid out by the district with particulars of payment;
- (c) The amounts of money due to the district from all sources with particulars;
- (d) The amounts of money due by the district and the terms and times of payment;

4. A statement prepared by the collector of taxes and signed by him giving the following particulars:

- (a) The number of acres of land assessed or in the case of village districts the total assessed value of all property as shown by the last revised assessment roll;
 - (b) The rate of the school tax;
 - (c) The total amount of taxes levied during the year;
 - (d) The current taxes collected during the year;
 - (e) The arrears of taxes collected during the year;
 - (f) The total arrears of taxes which are due together with a statement of the amount owing by each ratepayer;
5. The auditor's report;
6. The inspector's report received since the next preceding annual meeting was held;
7. Such further statements in relation to the affairs of the district as may be deemed advisable. [1901, c. 29, s. 60.]

61. So soon as the other business of the district has been transacted or at three o'clock in the afternoon of the day of the meeting if the other business be not then concluded the chairman shall call for nominations for the office of trustee.
[1901, c. 29, s. 61; 1910 (2), c. 6, s. 15.]

62. Each person nominated for the office of trustee shall be a resident ratepayer of the district and be able to read and write and shall hereafter be a British subject. [1913, c. 19, s. 8.]

63. Each candidate shall be nominated by a mover and seconder each of whom shall be a resident ratepayer of the district. [1901, c. 29, s. 63; 1910 (2), c. 6, s. 17; 1913, c. 19, s. 9.]

64. Nominations shall be received by the chairman for thirty minutes after he has first called for the same. [1901, c. 29, s. 64.]

65. In case there is only one nomination the chairman shall declare the candidate nominated to be elected.

(2) In case of more than one vacancy, and trustees are elected by acclamation, the first trustee nominated shall hold office for the longest term, the others following in order.

(3) In case of any two or more trustees receiving an equal number of votes they shall respectively hold office in the manner provided in the next preceding subsection.

[1901, c. 29, s. 65; 1915, c. 10, s. 1 (5).]

66. *Repealed.* [1920, c. 13, s. 1 (5).]

67. In the case of rural, village and consolidated districts, if there are more nominations than one the chairman shall at the close of the time for receiving nominations declare a poll open for the election of a trustee and such election shall be by ballot and shall be conducted as hereinafter provided.

(2) The chairman shall preside at the taking of the poll and shall—

- (a) Set apart a portion of the room where a voter may mark his ballot without being seen;
- (b) Cause to be prepared a supply of ballot papers sufficient for the purposes of the election;

(c) Provide a suitable box in which the ballot papers can be deposited.

(3) (a) Each ballot paper shall consist of a sheet of paper as nearly as may be four inches wide and six inches long and may be either written or partly written and partly printed and shall contain the names of the candidates duly nominated, arranged alphabetically in the order of their surnames and shall be in the following form:

SCHOOL TRUSTEES	
DICKSON, JOHN	
JONES, THOMAS	
ROSS, ALEXANDER	
SMITH, SAMUEL	
WALKER, WILLIAM	

(b) The chairman shall initial each ballot before delivering it to the voter. The voter shall place a cross (thus X) on the right hand side opposite the name of the candidate for whom he votes, or at any other place within the division which contains the name of such candidate and fold his ballot paper so as not to disclose any markings thereon, but so as to show the chairman's initials on the back, and then hand the same to the chairman to be deposited in the ballot box, and forthwith quit the polling place.

(c) Any candidate for the office of trustee or an agent appointed by him in writing shall have the right to remain in the polling place.

(d) If any voter is unable to read or write the chairman shall mark his ballot as directed by such voter in the presence of all persons in the polling place.

(e) The chairman shall cause a poll book to be kept in form D in the schedule to this Ordinance in which the secretary shall enter the name and residence of each resident ratepayer voting, numbering the same in consecutive order.

(f) The poll shall remain open for three hours at the end of which time it shall be closed and the chairman shall forthwith in the presence of all persons present in the room at the time count the ballots and declare the result of the poll.

(g) If it appears upon the counting of the ballots as aforesaid that two or more candidates for any office have an equal number of votes the chairman shall at the time he declares the result of the poll give a casting vote so as to decide the election, but except in such case the chairman shall not vote at any election.

(h) The chairman shall, unless the Minister otherwise directs, or unless a judge otherwise orders, retain the ballot papers and

all other papers used in connection with the election for two months after the date thereof and shall then, unless otherwise directed or ordered as aforesaid, forthwith burn such ballot papers and other papers.

[1901, c. 29, s. 67; 1919, c. 32, s. 1 (9); 1920, c. 13, s. 1 (6).]

68. The Minister may from time to time make such regulations as he may deem proper, not inconsistent with the provisions of this Ordinance, in regard to the conduct of elections of trustees for village and consolidated districts.

[1919, c. 32, s. 1 (10).]

69. A copy of the minutes of every annual meeting signed by the chairman and the secretary of such meeting shall be forthwith transmitted to the department.

[1901, c. 29, s. 69.]

ANNUAL SCHOOL MEETING.

In Town Districts.

70. An annual meeting of the ratepayers of every town district shall be held at the same time and place as may be appointed for the nomination of councillors or aldermen or at such other time within six days before the said date as may be fixed by resolution of the board of which due notice shall be given by advertisement, at least once a week for two weeks previous to the said date, in some newspaper or newspapers published in the district, or if there be no newspapers published in the district, then in the manner provided in section 54 hereof with respect to meetings in rural and village districts. [1901, c. 29, s. 70; 1910 (2), c. 6, s. 18.]

71. The trustees of every town district shall give notice to the secretary-treasurer of the municipality on or before the fifteenth day of November in each year of the number of vacancies required to be filled to make the board complete; and they shall on or before the first day of December in each year furnish the secretary-treasurer of the municipality with a list of the resident ratepayers within any portion of the district which is not included in the limits of the municipality which list shall be delivered to the returning officer by the said secretary-treasurer.

(2) In the list of qualified voters to be delivered to the returning officer by the secretary-treasurer of the municipality before the opening of the poll the secretary-treasurer shall place opposite the names of any persons on the said list who have been returned to him as supporters of separate schools the letters "SSS.," and the returning officer shall not deliver to any such person a ballot paper for public school trustees.

(3) Upon a rural or village district becoming a town district the first election for trustees shall be held at the time prescribed in this Ordinance for the annual election of trustees and at such election there shall be elected two trustees for a term of two years and one trustee for a term of one year and the two trustees of the district whose terms have not expired shall continue to hold office for the terms for which they were respectively elected.

[1901, c. 29, s. 71; 1903 (2), c. 27, s. 6.]

72. In every case in which notice is given as aforesaid the nomination and election of trustees shall be held at the same time and place and by the same returning officer or officers and conducted in the same manner as municipal nominations and elections of councillors except as to qualification to vote which shall be as provided for in this Ordinance; and the provisions of *The Town Act* respecting the time for receiving nominations and for opening and closing the poll, the mode of voting, corrupt or improper practices, vacancies and declarations of office shall *mutatis mutandis* apply to the election of school trustees.

[1901, c. 29, s. 72; 1911-12, c. 4, s. 7.]

73. A separate set of ballot papers shall be prepared by the returning officer containing the names of the candidates nominated for school trustees of the same form as those used for councillors except in the substitution of the words "school trustee" for "councillor" or "alderman" on said ballot paper.

[1901, c. 29, s. 73]

74. In case any objection is made to the right of any person to vote at an election of trustees in any town district the returning officer may require the person whose right of voting is objected to make the following oath or affirmation:

I, A.B., do solemnly swear (or affirm) that I am a *bona fide* resident ratepayer of (*name of district in full*); that I am of the full age of twenty-one years; that I have not before voted at this election; and that I have not received any reward either directly or indirectly nor have I any hope of receiving any reward for voting at this time and place. So help me God.

NOTE.—*In the case of an affirmation the words "So help me God" shall be omitted.*

And any person making such declaration shall be permitted to vote for the election of trustees.

[1901, c. 29, s. 74; 1913 (1), c. 19, s. 10.]

75. At the annual meeting held in any town district the reading of any or all of the reports mentioned in section 60 of this Ordinance may be omitted upon a resolution being passed to that effect by the ratepayers present but any ratepayer of the district shall have access to such reports and statements either during or after the meeting is held; and the board if it deem it advisable or upon being authorized to do so by resolution of the ratepayers at the annual meeting may have any or all of such reports or statements or any parts of them except the inspectors' reports printed in a newspaper published in the district.

[1901, c. 29, s. 75.]

76. Within ten days after the annual election of trustees in any town district is held the secretary of the district shall forward to the department a certified copy of the returning officer's declaration as to the result of the poll.

[1901, c. 29, s. 76.]

Contested Elections in Town and Village Districts.

77. In case the validity of the election of any school trustee in any town or village district is contested the same may be tried by a judge of the District Court of the judicial district

within which the district is situated; and any ratepayer of the district may be the relator for the purpose; and the judge shall in such case have the like powers as in case of contested elections of councillors under *The Controverted Municipal Elections Act*; and the proceedings and rules which obtain in such cases shall *mutatis mutandis* be followed and observed in such contested elections of school trustees.

[1901, c. 20, s. 77; 1910 (2), c. 6, s. 19; 1911-12, c. 4, s. 7.]

DEFERRED SCHOOL MEETINGS.

78. In case from want of proper notice or other cause any first, annual or other school meeting required to be held under this Ordinance is not held at the proper time it shall be the duty of the secretary of the board when required to do so by any two resident ratepayers or by the Minister to call a meeting of the ratepayers by posting notices in the manner prescribed by the Ordinance for such meeting; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it was called.

[1901, c. 29, s. 78; 1910 (2), c. 6, s. 2.]

SPECIAL MEETINGS OF RATEPAYERS.

79. A special meeting of the ratepayers of any district may be held at any time for any necessary purpose not otherwise provided for by this Ordinance.

[1901, c. 29, s. 79.]

80. It shall be the duty of the secretary of the board to call any special meeting when required to do so—

(a) By the Board;

(b) By the Minister;

(c) By an inspector;

(d) In town and village districts by a request in writing signed by ten resident ratepayers;

(e) In rural districts by a request in writing signed by a majority of the resident ratepayers.

(2) The notices calling a special meeting shall set forth the purpose of the meeting and shall be posted in the manner provided for notices of annual meetings in rural and village districts.

[1901, c. 29, s. 80; 1910 (2), c. 6, s. 2.]

81. At the meeting so held the ratepayers present shall elect a chairman and secretary and no business shall be considered by the meeting other than that mentioned in the notices calling the same.

[1901, c. 29, s. 81.]

AUDIT.

82. The books and accounts of every rural, village and consolidated district shall be audited in each year prior to the annual meeting by an official auditor in the manner prescribed by the regulations of the department.

(2) The fee payable for such audit unless increased by order of the Minister, shall be in the case of rural districts \$5 and in the case of village or consolidated districts \$10 and shall be paid out of the funds of the district.

[1901, c. 29, s. 82; 1913, c. 19, s. 11; 1915, c. 10, s. 1 (6); 1916, c. 9, s. 1.]

Provided that if it is required to have an audit made of the books and accounts of any districts or district within the consolidated district the total fee payable for such audit as well as for the audit of the books and accounts of the consolidated district shall be \$15.

[1901, c. 29, s. 82; 1913, c. 19, s. 11; 1915, c. 10, s. 1 (6) 1916, c. 9, s. 1; 1919, c. 32, s. 1 (11) (12).]

83. In every town district it shall be the duty of the auditor of the municipality to audit the books and accounts of such district in each year for which he shall receive no special remuneration out of the funds of the district. [1901, c. 29, s. 83.]

BOARD OF TRUSTEES.

Number of Members.

84. In rural and village districts there shall be three trustees each of whom after the first election shall hold office for three years and in town districts there shall be five trustees each of whom after the first election shall hold office for two years.

(2) Every trustee shall hold office until his successor is appointed. [1901, c. 29, s. 84.]

Trustees a Body Corporate.

85. The trustees of every district shall be a corporation under the name "The Board of Trustees for the School District No.....of the Province of Alberta."

[1901, c. 29, s. 85; 1910, (2), c. 6, s. 1.]

Organization of Board.

86. Within ten days after his election at any meeting other than the first school meeting every trustee shall make the declaration of office provided for in section 37 of this Ordinance. [1901, c. 29, s. 86.]

87. The board shall meet within ten days after each annual meeting or in case of town districts within the first ten days of January in each year for the purpose of organizing and transacting such other business as may be required.

[1901, c. 29, s. 87.]

88. At the meeting thus held the board shall appoint a chairman, a secretary and a treasurer or a secretary-treasurer who shall respectively hold office during the pleasure of the board and the secretary and the treasurer or the secretary-treasurer shall be allowed such remuneration as the board may fix.

(2) Any member of the board other than the chairman may be appointed secretary, treasurer or secretary-treasurer.

(3) The teacher of a school district may be appointed secretary but not treasurer or secretary-treasurer.

[1901, c. 20, s. 88; 1910 (2), c. 6, s. 20.]

Board Meetings.

89. A meeting of the board may be called by the chairman or any trustee. [1901, c. 29, s. 89.]

90. Every regular or special meeting of the board shall be called by giving two clear days' notice in writing which notice may be given by delivering such notice to each trustee or in the absence from his residence of any trustee to any adult person thereat:

Provided that the board of any district may at any meeting at which all the members of the board are present decide by resolution to hold regular meetings of the board and such resolution shall state the day, hour and place of every such meeting and no further or other notice of any such meeting shall be necessary.

(2) The board may by unanimous consent waive notice of meeting and hold a meeting at any time which consent shall be subscribed to by each member of the board and shall be recorded in the minutes of the meeting in the following form:

We, the undersigned trustees ofS.D.,
hereby waive notice of this meeting.

.....
.....
.....

Trustees.

[1901, c. 29, s. 90.]

91. No act or proceeding of any board shall be deemed valid or binding on any party which is not adopted at a regular or special meeting at which a quorum of the board is present.

(2) A majority of the board shall form a quorum.

(3) Any contract or agreement made by the board for the sale, transfer or hypothecation of any debentures or any interest therein, made before the board of trustees have been authorized to borrow the money represented by such debentures, as provided in section 128 hereof, shall be null and void.

(4) The purchase of furniture, equipment and supplies required for the initial operation of the first school in any new school district shall be subject to the approval of the Minister, and any contract for the purchase of the same entered into without such approval shall be null and void. [1901, c. 29, s. 91; 1914, c. 13, s. 1.]

92. If the number of trustees be reduced to one that one shall immediately take the necessary steps to fill the vacancies in the board but he shall not transact any other business of the district.

[1901, c. 29, s. 92.]

93. All questions shall be submitted to the board on the motion of the chairman or any other trustee and no seconder shall be required. [1901, c. 29, s. 93.]

94. At all meetings of the board all questions shall be decided by the majority of the votes and the chairman shall have the right to vote but in case of an equality of votes the question shall be decided in the negative.

(2) In case of absence of the chairman from any meeting of the board the trustees present shall elect one of their number to act as chairman of the meeting. [1901, c. 29, s. 94.]

Duties of Trustees and Their Officers.

95. It shall be the duty of the board of every district and it shall have power—

1. To appoint a chairman, a secretary and treasurer or a secretary-treasurer and such other officers and servants as may be required by this Ordinance;

2. To procure a corporate seal for the district;

3. To see that all the reports and statements required by this Ordinance or by the Minister are transmitted to the department without delay; [1910 (2), c. 6, s. 2.]

4. To keep a record of the proceedings of each meeting of the board signed by the chairman and secretary and see that true accounts both of the school and district are kept and that the affairs of the district generally are conducted in the manner provided by this Ordinance and with due regard to efficiency and economy;

5. To provide the officers of the board with the books necessary for keeping proper records of the district;

6. To take possession and have the custody and safe keeping of all the property of the district;

7. To provide adequate school accommodation for the purposes of the district which shall include accommodation for pupils between the ages of six and seven years with power at their discretion to supply text-books, exercise-books, pencils or other school supplies, or any of them, either free of charge or at a price to be fixed by the board. [1915, c. 10, s. 1 (7).]

8. To purchase or rent school sites or premises and to build, repair, furnish and keep in order the school house or houses, furniture, fences and all other school property; to keep the well, closets and premises generally in a proper sanitary condition; and to make due provisions for properly lighting, heating, ventilating and cleaning the school-room or rooms under its control and if deemed advisable to purchase or rent sites or premises for a house for the teacher and to build, repair and keep in order such house; and subject to the approval of the Minister to dispose of school property, real or personal, when no longer required for the purposes of the district. In rural and village school districts the trustees shall obtain tenders for the erection of school buildings and the same shall be built under contract and not by day labour and no such contract shall be entered into or signed by the trustees

or any other person until submitted to and approved by the Minister and no action shall be maintained or enforced for the price of any school building or materials supplied to construct the same unless the contract therefor is approved and no claim in respect thereof shall be allowed by way of set-off or counter-claim, nor shall such contract have any legal validity whatever unless so approved as aforesaid. All specialties, bills, notes or accounts stated given or made in whole or in part for or to secure any such price or materials shall be void, unless the contract under which the same are given or made is approved as aforesaid.

[1910 (2), c. 6, s. 21; 1916, c. 9, s. 1.]

9. To provide wholesome drinking water for the use of the children during school hours;

10. To provide separate buildings for privies for boys and girls. The buildings shall be erected in the rear of the school house at least ten feet apart, their entrances facing in opposite directions or otherwise effectually screened from each other;

11. To erect and keep in order if deemed advisable, suitable stabling accommodation;

12. To insure and keep insured the school buildings and equipment;

13. To provide when deemed expedient a suitable library for the school and to make regulations for its management;

14. To select and provide from the list authorized by the Minister all such reference books for the use of pupils and teachers and all such globes, maps, charts and other apparatus as may be required for the proper instruction of pupils;

[1910 (2), c. 6, s. 2.]

15. To require that no text-books or apparatus be used in the school under its control other than those authorized by the department;

16. To exempt in its discretion from the payment of school taxes wholly or in part any indigent persons resident within the district and where deemed necessary to provide for the children of such persons text-books or other supplies at the expense of the district;

17. To engage a teacher or teachers duly qualified under the regulations of the department to teach in the school or schools in its charge on such terms as it may deem expedient; the contract wherefor shall be in writing and may be in form prescribed by the Minister and a certified copy of such contract shall forthwith be transmitted to the department;

[1910 (2), c. 6, s. 2.]

18. To suspend or dismiss any teacher for gross misconduct, neglect of duty or for refusal or neglect to obey any lawful order of the board and to forthwith transmit a written statement of the facts to the department;

19. To see that the school is conducted according to the provisions of this Ordinance and the regulations of the department;

20. To provide for the payment of teachers' salaries at least once in every three months;

21. To make regulations for the management of the school subject to the provisions of this Ordinance and to communicate them in writing to the teacher;

22. To provide in the case of graded schools when deemed expedient at what times pupils may be admitted to Standard I or Primary grade and in the case of a district operating more than one school, to decide what school any of the children of such district shall attend; [1910 (2), c. 6, s. 22.]

23. To settle all disputes arising in relation to the school between the parents or children and the teacher;

24. To suspend or expel from the school any pupil who upon investigation by the board is found to be guilty of truancy, open opposition to authority, habitual neglect of duty, the use of profane or improper language or other conduct injurious to the moral tone or well-being of the school;

25. To see that the law with reference to compulsory education and truancy is observed;

26. To cause to be erected and maintained on the school grounds a flag-pole with all requisite attachments for raising and lowering a flag and to furnish a flag which shall be the British Union Jack to be not less than four feet long and not less than two feet wide, and to cause the said flag to be displayed from such flag-pole upon all such days as may be prescribed by regulation, and when not so displayed to be hung upon the wall inside the schoolroom.

[1916, c. 9, s. 1.]

27. To perform such other duties as may be required by this Ordinance or the regulations of the department. [1910, c. 9, s. 1.] [1901, c. 29, s. 95; 1910 (2), c. 6, ss. 21, 22; 1915, c. 10, s. 1 (9). 1916, c. 9, s. 1; 1918, c. 39, s. 1 (8); 1919, c. 32, s. 1 (13).]

95a. The board of every district shall at its discretion have power—

1. To provide, equip and maintain such room or rooms as may be required and to employ suitable teachers for giving instruction in manual training, domestic science, physical training, music and art;

2. To employ a medical doctor, a dentist or nurse or one or more of each or every of them to care for the health of the pupils and advise parents and the board with respect thereto, and the board may make such expenditures as they may deem necessary to safeguard the health of such pupils;

3. To employ, subject to the regulations of the Department of Education, a superintendent of schools where more than 20 teachers are employed.

4. To furnish the pupils with luncheon at the noon hour, either free of charge or at a price to be fixed by the board.

5. To furnish the pupils with text-books, exercise-books, pens, pencils, and other supplies either free of charge or at a price to be fixed by the board.

[1910 (2), c. 6, s. 23; 1915, c. 10, s. 1 (8); 1917, c. 43, s. 1.]

6. On the recommendation of the superintendent of schools of the district or an inspector to exclude from attendance at school any pupil who in the opinion of such superintendent or inspector is so mentally deficient as to be incapable of responding to class instruction by a skilful teacher or is a menace to the school, subject, however, to the right of an appeal by the parent

or guardian of such pupil to the chief inspector whose decision shall be final.

7. In the case of a town district, to establish, furnish and equip offices for the use of the board and its officials in any school of the district or to rent offices and furnish and equip the same.

[1901, c. 29, s. 95a; 1910 (2), c. 6, s. 23; 1915, c. 10, s. 1 (9); 1917, c. 43, s. 1; 1918, c. 39, s. 1 (9).]

95b. The board of every town district situated in whole or in part within the limits of any incorporated city shall after the first day of September, 1918, employ at least one medical doctor who is a member of the college of physicians and surgeons of the Province of Alberta to inspect or supervise the inspection of pupils of each school in the district at least once during each school term under such regulations as may be made by the Department of Education.

(2) The board of every town district shall have power to provide free medical, dental and surgical treatment for such pupils or classes of pupils as it may determine.

[1901, c. 29, s. 95b; 1917, c. 43, s. 1; 1918, c. 39, s. 1 (10).]

95c. The boards of any two or more districts having seventy-five or more pupils in each in grades above the fifth as classified by the regulations of the Department may, subject to the approval of the Minister, enter into an agreement to make provision for instruction for such pupils in household science, manual training or commercial work upon such terms as may be mutually agreed upon and the boards entering into any such agreement shall have full power and authority to make the necessary levy and assessment for the purpose of carrying out the terms of any such agreement.

[1901, c. 29, s. 95c; 1919, c. 32, s. 1 (14).]

96. It shall be the duty of the chairman of the board—

1. To have the general supervision of the affairs of the district;
2. To certify all accounts against the district passed by the board before such accounts are paid by the treasurer.

[1901, c. 29, s. 96.]

97. It shall be the duty of the secretary or secretary-treasurer of the board—

1. To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided for that purpose and to see that the minutes when confirmed are signed by the chairman;

2. To conduct the correspondence of the board as he may be directed by the board;

3. To have charge of and keep on record all the books, papers, accounts, assessment rolls, plans and maps committed to his charge by the board during his term of office and deliver the same to the chairman on ceasing to hold office;

4. To faithfully prepare and duly transmit to the department such reports and statements and such other information in regard to the district as may from time to time be required by the Minister and in such form as may be prescribed by the Minister;

5. To call at the request in writing of the chairman or any trustee a meeting of the board;

6. To produce the minute and other books, assessment rolls and all papers and other records of the board for inspection when required by an inspector to do so;

7. To prepare the statement of the trustees to be submitted at the annual meeting of the ratepayers;

8. To give the notice required by this Ordinance of each annual meeting of the ratepayers and to call special meetings of the ratepayers as provided by section 80 of this Ordinance.

[1901, c. 29, s. 97; 1910 (2), c. 6, s. 2.]

98. It shall be the duty of the treasurer or secretary-treasurer of the board of a town district—

1. To give security to the board before entering upon his duties by bond of a guarantee company authorized to do business in the province, such bond to be in the form approved by and registered with the Minister. The bond shall be for such an amount as the board shall deem sufficient to cover any loss through default of the treasurer, and the members of any board failing to take such bond or security from its treasurer shall be jointly and severally liable for his default to the extent of the sum for which such bond should have been taken;

Provided, however, that when the majority of the board refuse or neglect to take such security after demand by a trustee, the trustee so demanding the security to be taken shall be relieved from all personal liability for such default if his demand is duly recorded in the minutes of the board. [1917, c. 43, s. 1.]

2. It shall be the duty of the treasurer or secretary-treasurer of the board of every school district to receive all school moneys collected from the ratepayers or other persons for the purposes of the district of which he is treasurer and to disburse such moneys in the manner directed by the board;

[1913 (2), c. 16, s. 1.]

3. To pay all accounts against the district only when they are certified by the chairman of the board;

4. To keep in a cash-book provided for the purpose a complete and detailed record of all moneys received and disbursed for school purposes including government grants which may have been paid directly to the teacher;

5. To give and take receipts for all school moneys received and paid out and to keep on file all vouchers of expenditure;

6. To close and balance the books of the district at the end of the school year which shall be on the 31st day of December in each and every year;

7. To produce when called for by the trustees, auditor, school inspector or other competent authority all books, vouchers, papers and moneys belonging to the district and to hand over the same to the trustees or any person named by them upon his ceasing to hold office;

8. To prepare at the end of each year and in the manner provided by this Ordinance a statement of the finances of the district to be submitted to the annual meeting of the ratepayers;

9. To faithfully prepare and duly transmit to the department such reports and statements with reference to the finances of the district as may from time to time be required by the Minister and in such form as may be provided by the Minister;

[1910 (2), c. 6, s. 2.]

10. The treasurer of every village or rural school district shall upon his appointment and before entering upon the duties of his office furnish a bond or covenant of some guarantee company to be named by the Minister to secure the due accounting by him for all school moneys and property that come to his hands as such treasurer which bond shall be in such form and for such amount as shall be approved of by the Minister and the Minister shall pay the premiums for such guarantee bond or insurance and deduct the amount thereof annually from the legislative grant to each school district; and in every case in which such guarantee company declines for any cause to give such bond or covenant in respect of any treasurer of a school district it shall be the duty of the trustees forthwith to appoint another treasurer who can furnish such bond; and the retiring treasurer shall in such case have no right to receive any salary as such beyond the proportionate part of his salary up to the time of such retirement; every such bond shall be deposited and kept in the Department of Education for the benefit of the school district.

[1913 (2), c. 16, s. 1; 1901, c. 29, s. 98; 1910 (2), c. 6, s. 2;
1913 (2), c. 16, s. 1; 1917, c. 43, s. 1.]

Half-Yearly and Yearly Returns.

99. The board of every district shall cause to be prepared by the proper officers of the district and transmitted to the department the half-yearly and yearly returns respecting attendance and classification of pupils and the finances of the district which returns shall be in form prescribed by the Minister.

(2) In case the board of any district neglects or refuses to have prepared and transmitted to the department such half-yearly and yearly returns within thirty days from the close of the half-year or year, as the case may be, such district shall forfeit the sum of \$10 out of any government grant which may have been earned and to which the district is entitled for each week that the returns are delayed and the trustees through whose neglect or refusal such sums have been forfeited shall be jointly and severally responsible for the amount thus lost to the district which amount may be recovered by action in the District Court of the judicial district in which the school district is situated by any person authorized by the Minister to bring such action:

Provided, however, that in case it can be shown to the satisfaction of the Minister that any delay in making such half-yearly or yearly returns has been caused by the failure of the auditor of the municipality to audit the books and accounts of the district as provided by section 83 of *The School Ordinance*, the Minister may order that the amount so forfeited or any part thereof shall be paid by the municipality to the district and the same shall be payable forthwith.

(3) Every college, school or other educational institution not being a school as defined by this Ordinance shall within thirty

days from the 31st day of December of each year furnish to the department in such form as the Minister may prescribe a yearly return giving information with respect to the pupils, teachers, curriculum and equipment of such college, school or educational institution.

[1901, c. 29, s. 99; 1910 (2), c. 6, ss. 2, 24; 1913 (1), c. 19, s. 13;
1913 (2), c. 16, s. 1.]

Resignation of Trustees.

100. Any trustee wishing to resign may do so by sending notice in writing to the remaining member or members of the board who shall immediately take the necessary steps to fill the vacancy and such resignation shall only take effect upon the election of a new trustee.

(2) A trustee who resigns his office may be re-elected with his own consent. [1901, c. 29, s. 100.]

Disqualification of Trustees.

101. Any trustee who is convicted of an offence punishable by imprisonment for a term of five years or greater or becomes insane or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes or ceases to be an actual resident within the district for which he is a trustee shall *ipso facto* vacate his seat and the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election to fill any vacancy thus created. [1901, c. 29, s. 101; 1913 (2), c. 16, s. 1.]

102. No trustee shall take or possess any pecuniary interest, profit or promise or expected benefit in or from any contract, agreement or engagement either in his own name or in the name of another with the corporation of which he is a member or shall receive or expect to receive any compensation for any work, engagement, employment or duty on behalf of such corporation except as secretary, treasurer or secretary-treasurer or for a school site.

(2) Any trustee violating any of the provisions of this section shall thereby forfeit his seat and any two or more ratepayers of the district may at any time upon their several affidavits disclosing facts from which it appears that a trustee or trustees is or are guilty of a violation of this section or of gross neglect of duty or negligently or wilfully fails or fail to carry out the provisions of the school law or is or are for any other reason whatever which reason need not be of a nature similar to those herein specified unfit to act as trustee or trustees and upon payment into court of the sum of \$15 as security for costs to abide the event of the application apply to the judge of the District Court of the judicial district within which such district is wholly or mainly situated for a summons calling upon such trustee or trustees to show cause why he or they should not be ousted of the office; and where upon the return of the summons it appears to the judge by affidavit or oral evidence that such trustee or trustees or any of them is or are guilty of gross neglect of duty or negligently or wilfully fails or

fail to carry out the provisions of the school law or is or are for any other reason as aforesaid unfit to act as trustee or trustees or any of them to be ousted of the office and such trustee or any of them shall thereupon become and be ousted of such office or the judge may discharge the summons and in either case with or without costs: Provided, however, that the proceedings herein provided to be taken by any two or more ratepayers may be taken by a school inspector in which case it shall not be necessary to deposit any sum as security for costs.

(3) Any trustee so ousted of office shall not within three years thereafter be eligible for election as trustee in any school district.

[1901, c. 29, s. 102; 1910 (2), c. 6, s. 25; 1913 (2), c. 16, s. 1.]

Elections to Fill Vacancies.

103. When any vacancy is created in the board of any village or rural district it shall be the duty of the remaining trustee or trustees in office to forthwith call a special meeting of the ratepayers of the district to elect the required number of trustees to complete the board:

Provided that if any vacancy is not filled within one month the Minister may appoint some qualified person to fill the same.

[1901, c. 29, s. 103; 1910 (2), c. 6, s. 2.]

104. In rural, consolidated and village districts the election of a trustee to fill any vacancy shall only be held at a special meeting called for the purpose and in the same manner as at the annual meeting except that nominations shall be received by the chairman for thirty minutes from any fixed hour between the hours of two o'clock and seven o'clock and the poll shall remain open for two hours after nominations close.

(2) In town districts the election of a trustee to fill any vacancy shall be held in the same manner as is provided by this Ordinance for the annual election of trustees in town districts.

[1901, c. 29, s. 104; 1910 (2), c. 6, s. 26; 1920, c. 13 s. 1 (7).]

105. A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected and he shall within ten days after his election take the declaration of office provided for in section 37 of this Ordinance.

[1901, c. 29, s. 105.]

BORROWING POWERS OF DISTRICT.

By Note.

106. The board of any village district or of any district declared to be a village district for assessment and taxation purposes by order of the Minister, or of any consolidated district or of any rural district outside of an organized rural municipality or of any district separated from a municipality by order of the Minister of Municipal Affairs may, by resolution or by-law, authorize its chairman and treasurer to borrow from any person, bank or corporation such sums as the board deem necessary to meet the expenditure of the district until such time as the taxes for the current year are available and the amount so borrowed shall be a

charge upon the taxes due the district, and may be secured by the promissory note or notes of the chairman and treasurer, given on behalf of the board:

Provided that the board of any rural district that is partially outside of an organized rural municipality shall have the power to borrow as herein provided on the security of the taxes on that portion of said district outside of such municipality.

[1915, c. 10, s. 1 (9); 1917, c. 43, s. 1.]

106a. The board of a town district shall have power, by resolution or by-law, to borrow from any source such sums as the board deem necessary and to hypothecate as security for said sums any debenture or debentures which have been duly registered and countersigned as required by sections 129 and 130 of this Ordinance.

[1915, c. 10, s. 1 (9).]

106b. The board of a town district or a rural district situate wholly or in part within an organized rural municipality shall have power, by resolution or by-law, on receiving the written consent of the Minister, to borrow from any person, bank or corporation such sums as the board may deem necessary and the Minister may approve, and the amount so borrowed may be made a charge on the moneys due such school district, and such sum may be secured by the promissory note or notes of the chairman and treasurer, given on behalf of the board, or such form of assignment or covenant as may be fixed by such resolution or by-law.

[1915, c. 10, s. 1 (9).]

By Debenture.

107. Should it appear desirable to the board of any district that a sum of money should be borrowed upon the security of the district for securing, purchasing, adding to, extending or improving a school site or sites or a site for a teacher's house or for securing a water supply or for purchasing, repairing, moving, erecting, furnishing or adding to any school building or teacher's house and in consolidated school districts for the additional purpose of purchasing conveyances or for all or any of the said purposes it shall pass a by-law to that effect which may be in form prescribed by the Minister or to the like effect and which shall be under the corporate seal of the district.

(2) A copy of every such by-law shall be inscribed in the minute-book containing a record of the board's proceedings.

[1903 (2), c. 27, s. 7; 1910 (2), c. 6, s. 2; 1913 (1), c. 19, s. 14; 1915, c. 10, s. 1 (10).]

108. Within five days after the passing of the by-law the board shall give notice of its intention to apply to the Board of Public Utility Commissioners for authority to borrow the amount specified in the by-law and on the conditions therein set forth.

(2) Every such notice shall be in form prescribed by the Board of Public Utility Commissioners and shall be given by notices posted up in at least five widely separated and conspicuous places in the district one of which shall be a post office situated therein and should there be no post office in the district a sixth notice shall be posted in the post office nearest thereto.

(3) In the case of a town school district a copy of the notice provided for in the preceding subsection shall be printed in at least three issues of a newspaper or newspapers published within the limits of the school district and if there be no newspaper published within the school district then in the newspaper whose place of publication is nearest thereto.

[1903 (2), c. 27, s. 7; 1910 (2), c. 6, ss. 2, 28; 1913, (1), c. 19, s. 15; 1916, c. 9, s. 1.]

109. A poll of the ratepayers for and against the by-law may be demanded within fifteen days after the date of the posting of the notices in the next preceding paragraph mentioned, by a demand in writing signed by twenty ratepayers of the district in a town district, ten in a village district or four in a rural district, and such poll shall be held as hereinafter provided in sections 113 to 121:

Provided, however, that no poll can be demanded if the amount to be borrowed is for the purpose of providing a first schoolhouse for the district and does not exceed \$2,000; or is for the purpose of erecting a first school house for a consolidated district and does not exceed \$5,000.

(2) Every demand for a poll shall be delivered to the secretary of the district or in his absence to the chairman of the board and a certified copy of the demand shall be forthwith transmitted to the Board of Public Utility Commissioners.

[1903 (2), c. 27, s. 7; 1913, c. 19, s. 16; 1916, c. 9, s. 1; 1918, c. 39, s. 1 (11); 1919, c. 32, s. 1 (15).]

110. In the event of a poll not being required or not being demanded as hereinbefore provided the secretary of the board shall transmit to the Board of Public Utility Commissioners—

1. A certified copy of the by-law;

2. A certified copy of the notice provided in section 108 hereof and a statutory declaration proving posting of notices;

3. Such other information as the Board of Public Utility Commissioners shall require; and upon being satisfied that the several conditions required by this Ordinance have been substantially complied with the Board of Public Utility Commissioners may in writing authorize the board of trustees to borrow the sum or sums of money mentioned in the by-law or a less sum. [1903 (2), c. 27, s. 7; 1910 (2), c. 6, s. 2; 1916, c. 9, s. 1.]

111. In the event of a poll being demanded in a district other than a town school district as provided by section 109 hereof the board shall by resolution fix the time and place for holding the same and shall give notice in form prescribed by the Board of Public Utility Commissioners or to the like effect of such time and place of polling by notices posted up in at least five widely separated and conspicuous places throughout the district at least fourteen clear days before the polling one of which notices shall be posted in the post office situated within the district and should there be no such post office a sixth notice shall be posted in the post office nearest thereto.

(2) In the event of a poll being demanded in a town school district situated wholly or partly within the limits of a town or

city, the council of the town or city shall on receipt of a notice from the secretary-treasurer of the school district that a poll has been demanded, as provided by *The School Ordinance*, forthwith submit the proposed by-law or by-laws to the ratepayers of the school district and all the provisions of *The Town Act* or special Act incorporating a city or town, as the case may be, governing the taking of votes on money by-laws, including the procedure for questioning the validity of any such by-law, shall *mutatis mutandis* apply to and govern the taking of the vote on said by-law or by-laws, and after the period provided in *The Town Act* or special Act incorporating the city or town has lapsed then if the by-law passed has not been quashed the town or city clerk shall notify the school board that such by-law or by-laws passed are in force and effect, and the secretary-treasurer of the school board shall thereupon forward to the Board of Public Utility Commissioners a copy of such by-law as passed. provided, however, and notwithstanding any provisions in the *The Town Act* or special Act, it shall be sufficient if such proposed by-law shall receive a majority vote only of the ratepayers voting on such by-law.

[1903 (2), c. 27, s. 7; 1910 (2), c. 6, s. 2; 1916, c. 9, s. 1; 1917, c. 43, s. 1; 1920, c. 13, s. 1 (9).]

(3) For the purpose of such submission the council shall have the same authority and jurisdiction for taking the votes of the ratepayers of the school district in that portion of the school district lying outside the limits of the city or town as the case may be, as it has for taking such vote within those limits.

[1920, c. 13, s. 1 (8).]

112. A certified copy of the by-law and of the notice of polling shall be forwarded forthwith to the Board of Public Utility Commissioners by the secretary of the board.

[1901, c. 29, s. 112; 1910 (2), c. 6, s. 2; 1916, c. 9, s. 1.]

113. The chairman of the board or some person appointed by it shall be returning officer for the poll to be taken and the secretary of the board or some person appointed by the returning officer shall be poll clerk.

[1901, c. 29, s. 113.]

114. At the time and place appointed in the notice the returning officer shall declare the poll open and the poll clerk shall record the votes as they are given in a poll book which may be in form F in the schedule to this Ordinance.

[1901, c. 29, s. 114.]

115. A copy of the notice of polling shall be kept in a conspicuous place where the vote is taken.

[1901, c. 29, s. 115.]

116. Every resident ratepayer except the returning officer shall be entitled to vote on the by-law.

[1901, c. 29, s. 116; 1903, (2), c. 27, s. 8; 1910 (2), c. 6, s. 29; 1913, c. 19, s. 17; 1918, c. 39, s. 1 (12).]

117. The returning officer shall admit any two ratepayers who have respectively voted yea and nay into the polling place to act as scrutineers and on demand allow either or both of them to see any vote recorded in the poll book.

[1901, c. 29, s. 117.]

118. The returning officer shall if requested by any ratepayer or of his own accord require any person tendering a vote to subscribe to the declaration in form B (c) in the schedule to this Ordinance and any person subscribing to such declaration shall be permitted to vote.

(2) Every such declaration shall be subscribed to in the presence of the returning officer and poll clerk who shall subscribe their names as witnesses thereto.

(3) All declarations made under the provisions of the next preceding section shall be retained by the returning officer.

[1901, c. 29, s. 118.]

119. If a person who desires to vote refuses or fails to sign the declaration when required to do so the poll clerk shall write in the column headed "remarks" in the poll book the words "refused declaration" and the person so refusing shall at once leave the polling place and shall not be allowed to enter again or vote.

[1901, c. 29, s. 119.]

120. Any person subscribing to a declaration form B(c) containing any false statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$10.

[1901, c. 29, s. 120.]

121. At the time appointed in the notice of voting the returning officer shall close the poll, sum up the votes and declare the result.

(2) In the case of a tie the returning officer shall give a casting vote.

[1901, c. 29, s. 121.]

122. Should any ratepayer of the district make a complaint in writing to the returning officer within three days next after the taking of the poll with regard to the manner in which the poll was conducted the right of any person to vote or the result of the voting the returning officer shall forthwith notify such ratepayer in writing of the time and place within seven days of the day of voting when he shall appear before a justice of the peace for a final recount of votes and when all complaints which may have been made shall be heard.

[1901, c. 29, s. 122.]

123. In case no such complaint is duly lodged with the returning officer he shall at the expiration of three days after the taking of the poll forthwith forward to the Minister a certified copy of the poll book showing the total number of votes cast for and against the by-law and he shall make an affidavit which shall be inscribed thereon that the poll was conducted throughout in the manner provided by this Ordinance or with such exception as he shall mention that the returns contained therein are correct and that no complaints as provided for by the next preceding section were received by him.

[1901, c. 29, s. 123; 1910 (2), c. 6, s. 2.]

124. In the event of any complaint being made as aforesaid the returning officer shall appear before a justice of the peace at the time and place appointed and he shall deliver to the justice of the peace the poll book used by him at the poll and shall make an affidavit before the justice of the peace which shall be written

in or upon such book that the election has been conducted throughout in the manner provided by this Ordinance or with such exception as he shall mention and that the returns contained therein are correct.

(2) The justice of the peace shall then receive and record in writing any complaint that may be made under oath by any person relative to the conduct of the voting and shall examine into and decide such complaints by taking evidence under oath. [1901, c. 29, s. 124.]

125. Before proceeding to the hearing of any complaint the justice of the peace shall require the complainant to deposit with him such sum not being less than \$25 nor more than \$100 as may seem necessary to him to cover the costs of the hearing of the complaint which costs shall be paid according to the decision of such justice of the peace. [1901, c. 29, s. 125.]

126. If it be found that the proceedings in taking the vote have been irregular in any essential particulars and that injustice has thereby been done the poll shall be declared null and void and of no effect and the justice shall forthwith forward to the department a full report to that effect.

(2) If it be found that any vote has been cast by any person not duly qualified to vote or on account of bribery or intimidation it shall be struck off the poll book. [1901, c. 29, s. 126.]

127. When all complaints have been heard and decided upon and the corresponding alterations duly made in the poll book the justice of the peace shall finally sum up the votes cast and shall forward to the Board of Public Utility Commissioners a return in form G in the schedule hereto or to the like effect showing the total number of votes taken and the number remaining on each side after the recount. [1901, c. 29, s. 127; 1916, c. 9, s. 1.]

128. Upon receipt of the return mentioned in section 123 or section 127 hereof and upon being satisfied that the several conditions required by this Ordinance have been complied with the Board of Public Utility Commissioners may in writing authorize the board of trustees to borrow the sum or sums of money mentioned in the by-law or a less sum and the Board of Public Utility Commissioners shall as soon as may be thereafter cause notice of the authorization of such loan to be published in one issue of the official gazette. The board may thereupon issue a debenture or debentures to secure the amount of the principal and interest of the loan so authorized or of any less sum upon the terms specified in the by-law and the debenture or debentures and the coupons thereto shall when signed by the chairman and treasurer of the district and the said debenture or debentures countersigned by the Minister as provided for in section 130 hereof be sufficient to bind the district and create a charge or lien against all school property and all property assessable for school purposes in the district.

[1910 (2), c. 6, s. 30; 1913 (2), c. 16, s. 1; 1916, c. 9, s. 1.]

(2) Notwithstanding that a majority of the ratepayers voting upon any referred by-law may have voted against the same, the

Board of Public Utility Commissioners may, upon the certificate of the chief inspector of schools certifying that further school accommodation or equipment is urgently required for the purpose of maintaining an efficient school or schools in the district, in writing, authorize the board of trustees to borrow the sum or sums of money mentioned in the by-law or a less sum.

[1903 (2), c. 27, s. 9; 1913 (1), c. 19, s. 18; 1913 (2), c. 16, s. 1; 1915, c. 10, s. 1 (12); 1918, c. 39, s. 1 (14).]

(3) Debentures shall not run for a longer term than twenty years if the school buildings are built of brick, concrete or stone, nor for a longer period than fifteen years if built of frame or brick veneer, or ten years if built of log:

Provided that in the event of the first instalment of principal and interest of any debenture being made payable at any time after one year from the date of the debenture as provided by section 10 of chapter 27 of the Ordinances of 1903 (Second Session), such debentures may run for such longer term than twenty, fifteen or ten years, as the case may be, as may be necessary to allow of repayment in twenty, fifteen or ten years as the case may be, from the date of the payment of the first instalment of principal and interest:

Provided further that in the case of town or consolidated districts the debentures thereof may be made to run for a term not exceeding thirty years if the school buildings are of solid brick, concrete or stone:

Provided further that in the case of a town or consolidated district debentures issued for the purpose of purchasing a school site or sites may be made to run for a period not exceeding forty years:

Provided further that in the case of a school district within which an incorporated city is in whole or in part situated, debentures for school buildings or school sites may be made to run for a term not exceeding fifty years if the school buildings are of solid brick, concrete or stone

[1918, c. 39, s. 1 (15); 1919, c. 32, s. 1 (17).]

(4) Debentures shall not carry interest at a greater rate than eight per centum per annum.

(5) Debentures may be dated at any time within twelve months from the date on which notice of the authorization of the loan appears in the official gazette and the first instalment of principal and interest may be made payable at any time within eighteen months of the date of the debenture and the debenture shall be in the following form or to the like effect:

\$..... Debenture No.....
 School District No..... of the Province of Alberta.
 The Board of Trustees (or Official Trustee *as the case may be*) of.....
School District No..... of the Province of
 Alberta promises to pay the bearer at the.....at
the sum of.....dollars of
 lawful money of Canada in.....equal consecutive annual
 instalments with interest at the rate of.....per cent. per annum
 on the terms and in the amounts specified in the coupons attached hereto.
 Dated this.....day of.....19....

A.B.,
 Chairman.

C.D.,
 Treasurer (or Official Trustee).

COUPONS.

Coupon No.....
 Debenture No.....
 " The Board of Trustees of.....School District
 No.....of the Province of Alberta (*or Official Trustee as
 the case may be*) will pay to the bearer at the.....at.....
 on the.....day of.....19...., the
 sum of.....dollars being the.....instalment
 of principal with the total interest at the rate of.....per
 cent. per annum due on that day on School Debenture No.:

A.B.,
 Chairman.

C.D.,

Treasurer (*or Official Trustee*).

Provided that in the case of an issue of debentures amounting to at least \$2,000, the board may in its discretion issue debentures the coupons of which provide for the payment of interest only, and there shall be sufficient consecutively numbered coupons to cover the instalments of interest payable on each debenture in each of the years during which the respective debentures run, and the amount of the principal sum payable in any year shall be the same as the amount of such principal sum payable in any other year during the debenture period. Such debenture shall be in the following form or to the like effect:

PROVINCE OF ALBERTA.

\$.....Canadian Currency. \$.....Transferable.

The.....School District No.....of the Province of Alberta.

Debenture No.....

The Board of Trustees (*or Official Trustee, as the case may be*) of the
School District No.....of
 the Province of Alberta, promises to pay to the bearer at the.....
 at.....the sum of.....dollars of
 lawful money of Canada on the.....day of.....
 19...., with interest at the rate of.....per cent. per annum on
 the terms and in the amounts specified in the coupons attached hereto.
 Countersigned.....19....

Chairman.

Minister of Education.

Treasurer.

Dated this.....day of.....19....

COUPONS.

Coupon No.....Debenture No.....
 The Board of Trustees of the.....School District
 No.....of the Province of Alberta will pay to the bearer at
 the.....at.....on the.....
 day of.....19...., the sum of \$.....
 being the (half-yearly or annual, *as the case may be*) instalments of interest
 at the rate of.....per cent. per annum due on that day on
 School Debenture No.....

Chairman.

Treasurer.

[1903, (2), c. 27, s. 10; 1910 (2), c. 6, ss. 1, 32; 1914, c. 13, s. 1.]

(6) A debenture for the whole amount or for a less amount than that mentioned in the by-law, or a series of debentures aggregating such full amount or aggregating a less amount than

is so mentioned, may be issued, but whenever a series of debentures is so issued of the same denomination and at the same time, each of the series shall be distinguished by a mark or symbol different from the mark or symbol appearing on the other debentures of the same issue, and the said marks or symbols respectively shall appear on the coupons attached to the debentures respectively bearing the like mark or symbol.

[1910 (2), c. 6, s. 33.]

(7) The board of a school district within the limits of which an incorporated city is in whole or in part situated on complying with the provisions of this Ordinance, when the amount to be borrowed exceeds the sum of \$20,000, may in its discretion issue debentures repayable in yearly sums which shall be of such amount that the aggregate amount payable for principal and interest in any year shall be equal as nearly as possible to the amount payable for principal and interest in each of the other years during which the debentures are to run, and the by-law authorizing the issue of said debentures shall state the specific sum to be paid each year for principal and for interest, and a separate debenture, each of which shall be numbered consecutively (without any coupons), shall be issued for the aggregate amount payable each year for principal and interest. The said debentures may be in the following form or to the like effect:

DOMINION OF CANADA.

PROVINCE OF ALBERTA.

.....\$\$

The..... School District No..... of
the Province of Alberta.

The Board of Trustees of the School District
No. of the Province of Alberta promises to pay the bearer
at the on the day
of the sum of dollars
(\$) of lawful money of Canada.

Dated this.....day of.....A.D. 19....

.....
Chairman.

[SEAL]

Treasurer.

[1910 (2), c. 6, s. 33; 1911-12, c. 4, s. 7; 1913 (2), c. 16, s. 1.]

(8) The board of a school district within the limits of which an incorporated city is in whole or in part situated when the amount to be borrowed is at least \$100,000, may in its discretion by by-law provide that the sum borrowed shall be made payable in such manner that the principal shall be made repayable at the end of the period of years for which the debentures are to run together with interest thereon to be paid annually or semi-annually as the board may by by-law provide:

Provided, however, that if the indebtedness is to be made payable by debentures payable in the manner set forth in this subsection there shall be raised annually during the said period by way of a sinking fund an equal sum sufficient with accumulated interest thereon to retire the debentures at maturity and interest thereon annually or semi-annually.

Such debentures shall be in the following form or to the like effect:

DOMINION OF CANADA.

PROVINCE OF ALBERTA.

Debenture No. \$.....
 The School District No. of
 the Province of Alberta.

The Board of Trustees of the School District
 No. of the Province of Alberta, promises to pay the bearer
 at in the or at
 in the the sum
 of dollars of lawful money of Canada on the
 day of 19...., and to pay to the bearer the amount of each
 of the several interest coupons hereto attached as the same shall respectively
 become due.

Dated this day of A.D. 19....
 Countersigned 19....

Minister of Education.

Chairman.

Treasurer.

and the coupon may be in the following form:

Coupon No.

Debenture No.

The Board of Trustees of the School District
 No. of the Province of Alberta will pay to the bearer
 at or at on
 the day of 19...., the
 sum of \$.....

Chairman.

Treasurer.

[1913 (1), c. 19, s. 18; 1913 (2), c. 16, s. 1.]

(9) The board may from time to time invest the moneys accruing in said sinking fund for such period or periods, not exceeding in the whole the term of the debentures, and in such manner as it may deem expedient, in securities authorized for the investment of trust moneys by *The Trustee Ordinance*, being chapter 11 of the Ordinances of the North-West Territories, 1903 (2), and amendments thereto, and such other securities as the Minister may approve, provided that such investments are in other respects reasonable and proper. [1913, c. 19, s. 18.]

(10) Any form of debenture other than prescribed by this Ordinance may be used if approved by the Minister.

[1901, c. 29, s. 128; 1903 (2), c. 27, ss. 9, 10;

1904, c. 9, s. 1; 1910 (2), c. 6, ss. 1, 30, 31, 32, 33; 1913 (1), c. 19, s. 18; 1913 (2), c. 16, s. 1; 1914 c. 13, s. 1; 1915, c. 10, s. 1 (12); 1916, c. 9, s. 1; 1918, c. 39, s. 1 (13) (14) (15); 1919, c. 32, s. 1 (16) (17).]

129. Every debenture before being issued shall be sent for registration to the Minister who shall cause a proper record to be kept of the same. [1901, c. 29, s. 129; 1910, (2), c. 6, s. 2.]

130. The Minister shall thereupon if satisfied that the requirements of this Ordinance have been substantially complied with and if the authority to make the loan has not been withdrawn register and countersign the debenture and such countersigning by the Minister shall be conclusive evidence that the district has

been legally constituted and that all the formalities in respect to such loan and the issue of such debenture have been complied with and the legality of the issue of such debenture shall be thereby conclusively established and its validity shall not be questionable by any court in the Province of Alberta but the same shall be a good and indefeasible security in the hands of any *bona fide* holder thereof. [1910 (2), c. 6, ss. 1, 2.]

(2) Without restricting the powers of the deputy minister, conferred upon him by *The Public Service Act*, or any other Act or Ordinance, the deputy minister shall have and possess for the purposes of this section all the powers hereby conferred upon the Minister.

[1901, c. 29, s. 130; 1910 (2), c. 6, ss. 1, 2; 1913 (2), c. 16, s. 1; 1918, c. 39, s. 1 (16).]

130a. Any debentures issued under the provisions hereof and coupons for the interest thereon may be made payable in gold or its equivalent of lawful money of Canada or of Great Britain at any bank or banks, place or places to be named in Great Britain, the United States of America, or Canada, and may provide for the payment of the interest either yearly or half-yearly.

(2) The signatures on such coupons may be engraved or lithographed.

[1911-12, c. 4, s. 7; 1913 (1), c. 19, s. 19; 1914, c. 13, s. 1.]

CONDUCT OF SCHOOLS.

Fees.

131. No fees shall be charged by the board of any district on account of the attendance at its school of any child whose parent or lawful guardian is a resident of the district, saving and excepting as hereinafter provided.

(2) The board of any district may charge for pupils under Grade IX as classified by the regulations of the Department of Education a fee of thirty cents per day per pupil in attendance at its school if the parent or lawful guardian of such pupil is not a resident of the district, said fees to be payable monthly at the end of every month; provided, however, that the total amount payable by any parent or guardian for his family on account of such fees shall not exceed the sum of \$16 per year, and provided also that if such parent or guardian is a taxpayer of the district he shall not be required to pay fees unless the amount of his school taxes paid or payable by him for the previous year is less than \$16, in which case he shall be required to pay the difference between the said sum of \$16 and the amount of his school taxes as aforesaid; provided further that if the school of the district in which such parent or guardian resides is closed during any portion of the school year without the consent of the Minister no fees shall be charged the parent or guardian of such child during the time the school of such district is so closed, but the board of the district at whose school such child is in attendance may charge the district whose school is so closed a fee of thirty cents per day per pupil for each day of attendance, said fees to be payable at the end of the calendar year upon account being rendered by the

board without any deduction for the amount of taxes paid or payable as aforesaid by any parent or guardian.

(3) Any district maintaining a technical school, or special classes in technical, commercial, art, or other higher training may charge such fees from time to time for either day or night classes as shall be approved by the Minister.

(4) In the event of any dispute as to the amount due for fees to one district by another district or by any parent or guardian under subsections 2 and 4 above the same shall be referred to the chief inspector of schools whose decision shall be final.

[1918, c. 39, s. 1 (17) ; 1919, c. 32, s. 1 (18).]

School Terms.

132. The school year shall begin on the first day of January and end on the thirty-first day of December and shall be divided into two terms ending the thirtieth day of June and the thirty-first day of December respectively. [1901, c. 29, s. 132.]

Hours.

133. School shall be held between nine o'clock and twelve o'clock in the forenoon and half-past one o'clock and four o'clock in the afternoon of every day standard time not including Saturdays, Sundays or holidays, but the board may alter or shorten the school hours upon receiving the permission of the Minister.

(2) A recess of fifteen minutes in the forenoon and in the afternoon shall be allowed the children attending school.

[1901, c. 29, s. 133 ; 1910 (2), c. 6, s. 2.]

Vacation and Holidays.

134. In any school there shall be not less than seven weeks' nor more than ten weeks' vacation in rural districts and not less than eight weeks' nor more than twelve weeks' vacation in village and town districts. The summer vacation shall fall between the fifteenth day of June and the first day of September, and the winter vacation shall extend from the twenty-fourth day of December to the second day of January, both inclusive:

Provided, however, that the Minister may, on proper representation made to him, allow the board to keep the school open during the periods above mentioned as the time for summer vacation or any part thereof, and allow vacation in lieu thereof at some other time:

Provided further, that the board of a rural district may, by resolution, a copy of which shall be forwarded forthwith to the department, extend the winter vacation not more than four weeks and correspondingly shorten the summer vacation.

[1914, c. 13, s. 1.]

135. New Year's Day, Ash Wednesday, Good Friday, Easter Monday, the twenty-fourth day of May, or when such day falls upon a Sunday, the twenty-fifth day of May (to be known as Victoria Day), the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning Sovereign, Dominion Day, Labour Day, Christmas Day, Thanksgiving Day,

and any other day proclaimed as a holiday by the Governor General, the Lieutenant Governor of the province or the mayor of a city or town, shall be holidays ; and it shall be at the discretion of the board to permit any other holidays not exceeding one day at a time. [1910 (2), c. 6, s. 37 ; 1916, c. 9, s. 1.]

Language to be Used.

136. All schools shall be taught in the English language but it shall be permissible for the board of any district to cause a primary course to be taught in the French language.

(2) The board of any district may subject to the regulations of the department employ one or more competent persons to give instruction in any language other than English in the school of the district to all pupils whose parents or guardians have signified a willingness that they should receive the same but such course of instruction shall not supersede or in any way interfere with the instruction by the teacher in charge of the school as required by the regulations of the department and this Ordinance.

(3) The board shall have power to raise such sums of money as may be necessary to pay the salaries of such instructors and all costs, charges and expenses of such course of instruction shall be collected by the board by a special rate to be imposed upon the parents or guardians of such pupils as take advantage of the same. [1901, c. 29, s. 136.]

Religious Instruction.

137. No religious instruction except as hereinafter provided shall be permitted in the school of any district from the opening of such school until one half-hour previous to its closing in the afternoon after which time any such instruction permitted or desired by the board may be given.

(2) It shall, however, be permissible for the board of any district to direct that the school be opened by the recitation of the Lord's Prayer. [1901, c. 29, s. 137.]

138. Any child shall have the privilege of leaving the school room at the time at which religious instruction is commenced as provided for in the next preceding section or of remaining without taking part in any religious instruction that may be given if the parents or guardians so desire. [1901, c. 29, s. 138.]

139. No teacher, school trustee or inspector shall in any way attempt to deprive such child of any advantage that it might derive from the ordinary education given in such school and any such action on the part of any school trustee, inspector or teacher shall be held to be a disqualification for and voidance of the office held by him. [1901, c. 29, s. 139.]

Kindergarten Classes.

140. Kindergarten classes may be established in any school for the teaching and training of children between the ages of four and six years according to kindergarten methods and in such

school a fee may be charged not exceeding \$1 per month for each pupil to cover cost of maintaining such department.

[1901, c. 29, s. 140.]

Night Classes.

141. The board of any district may engage a teacher of approved qualifications and make the necessary arrangements at the expense of the district for the maintenance of a night school; provided however that if an Inspector of Schools has recommended the establishment of a night school in any district and the board thereof has failed to establish the same the Minister may direct the board of such district to open and maintain a night school therein for such period as the Minister may determine.

(2) If the night school is kept open for at least one month a fee not exceeding \$2.00 per month may be charged for each month or portion of a month that a pupil is in attendance; provided that any district maintaining a technical school or special classes in technical, commercial, art, or other higher training may charge such fees for night classes as shall be approved by the Minister.

[1901, c. 29, s. 141; 1919, c. 32, s. 1 (19).]

COMPULSORY EDUCATION.

142. No board of trustees shall have authority to close their school for any cause not otherwise provided for without the approval of the Minister.

[1913, (2), c. 16, s. 1.]

143. If for any cause other than that of statutory vacations or holidays the board of trustees of any rural or village district closes its school for a period exceeding three days, it shall be the duty of such board through its secretary to report to the department such closing within five days, giving a full statement of the reasons therefor; it shall also be the duty of the board through its secretary to report to the department within five days after the re-opening of the school at the commencement of each term, and also after the re-opening of the school which may have been closed for more than three days for any cause.

[1913 (2), c. 16, s. 1.]

143a.

144.

145.

146.

147.

148.

Repealed, 1910 (2), c. 6, s. 41.

(See Truancy Act, 1910 (2), c. 8.)

TEACHER.

Qualification.

149. No person shall be engaged, appointed, employed or retained as teacher in any school unless he holds a valid certificate of qualification issued under the regulations of the department.

(2) Any person not so qualified shall not be entitled to recover in any court of law any remuneration for his services as such teacher.

(3) Any person other than the holder of such certificate of qualification, who undertakes to conduct a school as teacher shall be guilty of an offence and on summary conviction liable to a penalty not exceeding \$50.00, and in default, to imprisonment for a term not exceeding one month:

Provided, however, that no prosecution shall be instituted under this section, except on the order of the Minister.

[1901, c. 29, s. 149; 1913 (2), c. 16, s. 1.]

Engagement and Dismissal.

150. A teacher shall not be engaged except under the authority of a resolution of the board passed at a regular or special meeting of the board.

[1901, c. 29, s. 150.]

151. The contract entered into shall be in the form prescribed by the Minister and such form may be altered or amended as may be mutually agreed upon by the contracting parties provided such alterations or amendments are not inconsistent with any of the provisions of this Ordinance or the regulations of the department.

[1901, c. 29, s. 151; 1910 (2), c. 6, s. 2.]

152. The contract shall be deemed valid and binding if signed by the teacher and by the chairman on behalf of the board.

[1901, c. 29, s. 152.]

153. Any teacher who has been suspended or dismissed by the board may appeal to the Minister who shall have power to take evidence and confirm or reverse the decision of the board and in the case of reversal he may order the reinstatement of such such teacher:

Provided that in case there is no appeal to the Minister or in the event of an appeal if the decision of the board is sustained the teacher shall not be entitled to salary from and after the date of such suspension or dismissal.

[1901, c. 29, s. 153; 1910 (2), c. 6, s. 2.]

Payment of Teachers.

154. Every teacher shall be paid the amount of salary due to him at least once in every three months and it shall be the duty of the board to make due provision for such payment.

[1901, c. 29, s. 154.]

155. The salary of a teacher shall be estimated by dividing the rate of salary for the year by 210 and multiplying the result obtained by the number of actual teaching days within the period of his engagement:

[1916, c. 9, s. 1.]

Provided, however, that if the salary stated in the teacher's agreement is given at a monthly rate the rate of salary for the year shall be deemed to be a sum equal to twelve times the said monthly rate:

Provided further that if a teacher has taught more than 210 days in any calendar year he shall be entitled only to a year's salary; and

Provided further that subject to the provisions of this Ordinance the board of every district shall have power to enter into such contract with its teacher regarding the amount of salary to be paid as may be mutually agreed upon and set forth in the agreement provided herein: [1910 (2), c. 6, s. 42.]

Provided further, that a teacher is entitled to salary for days he is necessarily absent from his school in order to attend any teachers' convention or institute approved by the Minister and for days during which his school is closed by order of a duly qualified medical practitioner or by the board on account of the existence within the district of an actual or threatened epidemic of disease, but such period or periods shall not include in all more than thirty teaching days in the calendar year.

[1913 (2), c. 16, s. 1.]

(2) Unless otherwise provided for in the agreement either party thereto may terminate the agreement for teaching between the teacher and the board of trustees by giving thirty days' notice in writing to the other party of his or its intention so to do. [1901, c. 29, s. 155; 1910 (2), c. 6, ss. 42, 43; 1910 (2), c. 6, s. 43; 1913 (2), c. 16, s. 1; 1916, c. 9, s. 1.]

(3) Notwithstanding anything in any agreement to the contrary, every teacher in an ungraded school shall be entitled to receive a minimum salary of \$70 per month or \$840 per year; provided, however, that upon an inspector of schools certifying, after investigation, that in his opinion it would be a hardship on the district to pay such salary, the Minister may authorize a less salary to be paid.

[1901, c. 29, s. 155; 1910 (2), c. 6, ss. 42, 43; 1913 (2), c. 16, s. 5; 1916, c. 9, s. 1; 1918, c. 39, s. 1 (18).]

156. Every teacher in case of sickness certified by a qualified medical practitioner shall at the termination of his engagement be entitled to his salary during such sickness for a period not to exceed 20 teaching days for the entire year and in case of an engagement for a shorter term than one year, for a period bearing the same proportion to 20 that the term of engagement bears to a year; but the board may at its discretion allow a salary in case of sickness for a greater number of days than that provided herein. [1910 (2), c. 6, s. 44.]

157. A teacher whose agreement with a board has expired or is dismissed by them shall be entitled to receive forthwith all moneys due him for his service as teacher while employed by said board; if such payment be not made by the board or tendered to the said teacher he shall be entitled to recover the full amount of his salary due and unpaid with interest in any court of competent jurisdiction. [1901, c. 29, s. 157.]

Duties of Teacher.

158. It shall be the duty of every teacher—

1. To teach diligently and faithfully all the subjects required to be taught by the regulations of the department;

2. To maintain proper order and discipline and to conduct and manage the school according to the regulations of the department;

3. To keep in a conspicuous place in the school room a time table which shall show the classification of pupils, the subjects taught each day in the week, the length of each recitation period and the seat work given; and to submit such time table to the inspector for his approval and signature on the occasion of his visit to the school;

4. To keep in the prescribed form the school registers and to give access to them to trustees, officers of the board, inspectors and any other person authorized thereto by the Minister;
[1910 (2), c. 6, s. 2.]

5. To make at the end of each term or at any other time such promotions from one class or standard to another as he may deem expedient subject to the ratification of the inspector at his next visit;

6. To hold during each year a public examination of his school of which he shall give due notice to the board and through the pupils to their parents or guardians;

7. To send monthly to the parents or guardian of each pupil if required by the board a report on the pupil's attendance, conduct and progress;

8. To encourage the observance of Arbour Day by holding suitable exercises, to take an interest in the cleanliness and tidiness of the school grounds and to secure the co-operation of trustees and parents in planting trees and shrubs about the school;

9. To give strict attention to the proper heating, ventilation and cleanliness of the school house and to the condition of the out-houses in connection with the same and to report to the board any defect with respect thereto;

10. To exercise vigilance over the school property, the buildings, fences, furniture and apparatus so that they may not receive unnecessary injury and to give prompt notice in writing to the board of any such injury;

11. To report to the secretary of the board any necessary repairs to the school buildings or furniture and any required supply of fuel, drinking water, furniture or equipment;

12. To see that the provisions of clause 10 of section 95 of this Ordinance have been complied with and if not to report to the board and in case of any neglect on the part of the board to notify the Minister;
[1910 (2), c. 6, s. 2.]

13. To notify the chairman of the board whenever he has reason to believe that any pupil attending school is affected with or exposed to smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, trachoma or other infectious or contagious disease and to prevent the attendance of any pupil so affected or exposed or suspected of being affected or exposed until furnished with the written statement of a physician or the chairman of the board that such contagious or infectious disease does not exist or that all danger from exposure to any of them has passed away;
[1915, c. 10, s. 1 (13).]

14. To suspend from school any pupil for violent opposition to authority and to forthwith report in writing the facts of such

suspension to the board which may take such action with regard thereto as it may deem necessary;

15. To assist the board and its officers in making the prescribed returns to the department;

16. To furnish to the Minister, the inspector of schools, the board or any person appointed by the Minister any information which it may be in his power to give respecting anything connected with the operation of the school or in anywise affecting its interests or character; [1910 (2), c. 6, s. 2.]

17. To deliver up any school registers, school house key or other property of the district in his possession when required to do so by a written order of the board;

18. To attend all meetings of the teachers called by the principal where more than one teacher is employed.

Duties of Principal.

159. In every school in which more teachers than one are employed the head teacher shall be called the principal and the other teachers assistants. [1901, c. 29, s. 159.]

160. The principal shall prescribe with the concurrence of the board the duties of the assistants and shall be responsible for the organization and general discipline of the whole school. [1901, c. 29, s. 160.]

Teachers' Associations.

161. Any number of teachers may organize themselves into an association and subject to the regulations of the department may hold conventions and institutes for the purpose of receiving instruction in and discussing educational matters. [1901, c. 29, s. 161.]

EDUCATION OF NONRESIDENT CHILDREN.

162. The parent or lawful guardian of any child residing outside the limits of any district may apply to the board for the admission of such child to its school and it shall be the duty of the board to admit such child:

Provided always that the board may demand that the application for the admission of any nonresident child be accompanied by a statement from the inspector of the district to the effect that the accommodation of the school is sufficient for the admission of such child:

Provided further that the board may require from such parent or guardian or the district in which such parent or guardian resides as the case may be the payment of school fees as provided in section 131 of this Ordinance.

[1901, c. 29, s. 162; 1918, c. 39, s. 1 (19).]

163. [*Repealed*, 1918, c. 39, s. 1 (20).]

164. Any person not living within a district may apply to the board of any district to have his or her property if not already included in any other district assessed in such district to secure

the advantages of education for his children and in any such case on the report of an inspector that the accommodation of the school room is sufficient for the admission of the children of such person the board shall receive such application and place the said property on the assessment roll of the district and such property shall remain liable to assessment in such district until a new district is established including the said property; and for the purpose of enforcing payment of taxes and of all remedies therefor the said property shall be deemed to be within the school district on whose assessment roll it is placed.

(2) The board shall whenever the property of any person is placed on the assessment roll of the district under the provisions of this section notify the Minister giving the name of such person and a description of such property.

[1901, c. 29, s. 164; 1910 (2), c. 6, s. 45.]

CONVEYANCE OF SCHOOL CHILDREN.

From One District to Another.

165. The Minister may empower the board of any district to enter into an agreement with any other board or boards for the education of the children of its district upon such terms as may be mutually agreed upon and approved by him and the board entering into any such agreement shall have full power and authority to make the necessary levy and assessment for the purpose of carrying out the terms of the agreement and for providing for the conveyance of children to and from school under the provisions of *The School Assessment Ordinance*:

Provided that any such agreement may be terminated by any board or party thereto by giving notice on or before the first day of October in any year and upon such notice being given the agreement shall cease and determine on the last day of the month of December following unless otherwise ordered by the Minister.

(2) The board of trustees of any district entering into such an agreement shall, unless the Minister otherwise directs, provide conveyance to and from school for those pupils of the district who reside on any quarter section the nearest boundary of which is more than two and one-half miles from the school which such pupils have the right to attend:

Provided, however, that the board of such district shall not be required to provide conveyance for the children of isolated families but shall, subject to the approval of the Minister, make arrangements with the parents or guardians for the conveyance of such children in accordance with the provisions of section 40v of this Ordinance if the nearest boundary of the quarter section on which such children reside is more than two and one-half miles from the school where they have the right to attend or more than one mile in a direct line from the nearest conveyance route.

[1901, c. 29, s. 165; 1910 (2), c. 6, s. 2; 1918, c. 39, s. 1 (21);
1919, c. 32, s. 1 (20).]

166. The Minister may subject to the approval of the Lieutenant Governor in Council make such regulations as are deemed necessary and expedient for the proper conveyance of the children as hereinbefore provided and for the keeping of proper records of

the number of children conveyed, the distance travelled, the cost of conveyance and such other information as may be desired.

[1901, c. 29, s. 166; 1910 (2), c. 6, s. 166.]

Within the School District.

167. The board of any district may make due provision subject to the regulations of the department in that behalf for the proper conveyance of the school children resident within the district to and from school and it shall have power to provide for the cost of such conveyance in the same manner as is provided for the other expenditures of the district.

(2) The secretary of every district in which provision is made as aforesaid shall forthwith notify the Minister.

[1901, c. 29, s. 167; 1910 (2), c. 6, s. 2.]

PENALTIES AND PROHIBITIONS.

168. Any board or any member thereof that wilfully neglects or refuses to exercise or to assist in exercising all the corporate powers vested in such board by this Ordinance for the fulfilment of any contract or agreement made by it shall be personally responsible for the fulfilment of such contract or agreement.

[1901, c. 29, s. 168.]

169. Should the board of any district wilfully contract liabilities in the name of the district greater or other than as provided or allowed by this Ordinance or appropriate any of the moneys of the district for purposes other than are provided or allowed by this Ordinance the treasurer of the district or some other person authorized by the Minister may recover as a debt in a court of competent jurisdiction from such board jointly or severally the sum or sums for which the district has been rendered liable through the action of such trustees over and above the amount so provided by this Ordinance in addition to the total amount of any moneys that have been misappropriated by such trustees.

[1901, c. 29, s. 169; 1910 (2), c. 6, s. 2.]

170. If any trustee knowingly signs a false report or if any teacher keeps a false school register or knowingly makes a false return he shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$20.

[1901, c. 29, s. 170.]

171. Any trustee, officer or employee of a district who after ceasing to hold office detains any money, book, paper or thing belonging to the district shall thereby incur a penalty not exceeding \$20 for each day during which he wrongfully retains possession of such money, book, paper or thing after having received notice in writing from the chairman of the board or from the Minister requiring him to deposit the same in the hands of some person mentioned in such notice.

(2) Any trustee, officer or employee of a district who refuses, neglects or fails to perform any duty imposed on him by this Ordinance shall be liable to a penalty not exceeding \$50.

(3) Any person required by this Ordinance or by the regulations made thereunder to furnish any information or make any return or statement in writing to the department or to perform any act

or duty and who refuses or neglects to furnish such information or make such return or statement or perform such act or duty shall be liable to a penalty not exceeding \$50.

[1901, c. 29, s. 171; 1903 (2), c. 27, s. 12; 1910 (2), c. 6, s. 2; 1916, c. 9, s. 1.]

172. Any returning officer of any district or proposed district acting under the provisions of this Ordinance who shall knowingly and wilfully prejudice the result of any voting by preventing votes from being taken or by taking unlawful votes or by altering returns or books in any way or by any other means shall be liable to a penalty of not less than \$10 and not exceeding \$100.

[1901, c. 29, s. 172.]

173. Any person who wilfully disturbs, interrupts or disquiets the proceedings of any school meeting authorized to be held by this Ordinance or anyone who wilfully interrupts or disquiets any school established and conducted under its authority by rude or indecent behaviour or by making a noise either within the place where such school is kept or held or so near thereto as to disturb the order of exercises of the school shall be guilty of an offence for which he shall forfeit for the use of the district within which the offence was committed a sum not exceeding \$20.

[1901, c. 29, s. 173.]

173a. Any person who subscribes to any statement, declaration, return or other document prescribed herein or by the Minister under the provisions hereof and therein wilfully and knowingly makes any false statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$25.

[1910 (2), c. 6, s. 46.]

174. No school trustee shall be eligible to appointment as teacher within the district of which he is a trustee; nor shall the teacher of any school hold the office of school trustee.

[1901, c. 29, s. 174.]

175. All fines, penalties and forfeitures mentioned in this Ordinance may be recovered and enforced with costs on summary conviction before a justice of the peace.

[1901, c. 29, s. 175.]

176. All moneys accruing from fines or penalties under this Ordinance shall unless otherwise provided belong to the general revenue fund of the Province of Alberta.

[1901, c. 29, s. 176; 1910 (2), c. 6, s. 1.]

ORDERS.

176a. No order purporting to be made under the said Ordinance and being within the powers conferred by the said Ordinance shall be deemed invalid on account of any noncompliance with any of the matters required by the said Ordinance as preliminary to such order; and no misnomer, inaccurate description or omission in any such order shall in anywise suspend or impair the operation of the Ordinance with respect to the matter so misdescribed or omitted.

[1903 (2), c. 27, s. 15.]

176b. Any misdescription or other error in any order made by the Commissioner or Minister or in any order made or procla-

mation issued by the Lieutenant Governor in Council under the provisions of the said Ordinance or under the provisions of any other Ordinance respecting schools at any time in force in the Territories or Province of Alberta may be corrected and confirmed with such correction as of the date on which it was made or issued by the Commissioner or Minister by any subsequent order.

[1910 (2), c. 6, s. 47.]

176c. In any order under this Ordinance the Minister may provide that the same shall not take effect until some future date named therein but not later than one year from the date of the order.

[1916, c. 9, s. 1.]

MISCELLANEOUS.

177. The Lieutenant Governor in Council may by order notice of which shall be published in the official gazette declare that for the purposes of this Ordinance any town district shall be deemed to be a village district and thereafter all the provisions of this Ordinance relating to village districts shall apply thereto.*

[1901, c. 29, s. 177.]

178. All school districts heretofore erected or purporting so to be are hereby confirmed as districts legally established under this Ordinance with any alterations of boundaries made or purporting to have been made and all debentures issued by the trustees or commissioners of any such school districts are hereby confirmed and declared to be legal and valid charges upon the property of the districts issuing the same notwithstanding any defect or irregularity in any proceeding in respect of or preliminary to the erection of such districts or alterations of the boundaries thereof or the issuing of such debentures.

[1901, c. 29, s. 178.]

SCHEDULE.

FORM A.

(Proposed) School District of the Province of Alberta.

The undersigned severally declare each for himself and herself that he or she is of the full age of twenty-one years, that he or she actually resides within the above-named proposed school district at the time of making this declaration, and either that he or she has so resided therein and has been the owner or occupant of assessable property therein for a period of at least two months immediately prior to this date, or that he or she is the husband, wife, son, daughter or sister of and resides in the same house as such owner or occupant.

Names	Property owned or occupied, or residence.

Witnesses to above signatures:

.....
Chairman.

Secretary.

Dated the.....day of.....A.D. 19....

FORM A(b).

Proposed.....Consolidated School District of the Province of Alberta.

The undersigned severally declare each for himself and herself that he or she is of the full age of twenty-one years, that he or she actually resides within the above named proposed consolidated school district at the time of making this declaration and either that he or she has so resided therein and has been the owner or occupant of assessable property therein for a period of at least two months prior to this date or that he or she is the husband, wife, son, daughter, or sister of and resides in the same house as such owner or occupant.

Names	Property owned or occupied, or residence

Witnesses to above signatures:

.....
Chairman.

Secretary.

Dated the.....day of.....A.D. 19....
 [1901, c. 29, Schedule Form A; 1910 (2), c. 6, s. 1; 1917, c. 43, s. 1;
 1918, c. 39, s. 1 (22); 1919, c. 32, s. 1 (2).]

FORM B.

(a)

(This form should be used for resident ratepayers or the husband, wife, son, daughter or sister of a resident ratepayer in any established district not having a revised assessment roll.)

The.....School District No.....
of the Province of Alberta.

The undersigned severally declare each for himself and herself that he or she is of the full age of twenty-one years, that he or she actually resides within the above named district at this date, and either that he or she has been the owner or occupant of assessable property therein for a period of at least two months prior to this date or that he or she is the husband, wife, son, daughter or sister of and resides in the same house as such owner or occupant.

Names	Property owned or occupied, or residence

Witnesses to above signatures:

.....
Chairman.

.....
Secretary.

Dated the.....day of,.....A.D. 19....

(b)

(This form should be used for resident ratepayers, or the husband, wife, son, daughter or sister of a resident ratepayer in any district that has a revised assessment roll.)

The.....School District No.....
of the Province of Alberta.

The undersigned severally declare each for himself and herself that he or she is of the full age of twenty-one years, that he or she actually resides within the above named district at the date hereof, and either that his or her name appears on the last revised assessment roll of the district or that he or she is the husband, wife, son, daughter or sister of and resides in the same house as such a resident ratepayer whose name appears on the last revised assessment roll of the district.

Names	Property owned or occupied, or residence

Witnesses to above signatures:

.....
Chairman.

.....
Secretary.

Dated the.....day of,.....A.D. 19....

(c)

(This form should be used for resident ratepayers or the husband, wife, son, daughter or sister of a resident ratepayer of any established district.)

The.....School District No.....
of the Province of Alberta.

The undersigned severally declare each for himself and herself that he or she is a resident ratepayer or the husband, wife, son, daughter or sister of and resides in the same house as such a resident ratepayer of the above named school district and that he or she is of the full age of twenty-one years.

Names	Property owned or occupied, or residence

Witnesses to above signatures:

.....

Chairman.

.....

Secretary.

Dated the.....day of.....A.D. 19....

(d)

(This form should be used for resident ratepayers or the husband, wife, son, daughter or sister of a resident ratepayer in any established district within a consolidated district not having a revised assessment roll for the consolidated district.)

The.....School District No.....
of the.....Consolidated School District
No.....of the Province of Alberta.

The undersigned severally declare each for himself and herself that he or she is of full age of twenty-one years, that he or she actually resides within the above named district of the said consolidated school district at this date and either that he or she has so resided therein and has been the owner or occupant of assessable property therein for a period of at least two months prior to this date or that he or she is the husband, wife, son, daughter or sister of and resides in the same house as such owner or occupant.

Names	Property owned or occupied, or residence

Witnesses to above signatures:

.....

Chairman.

.....

Secretary.

Dated the.....day of.....A.D. 19....

(e)

(This form should be used for resident ratepayers or the husband, wife, son, daughter or sister of a resident ratepayer of any district within a consolidated school district that has a revised assessment roll for the consolidated district.)

The.....School District No.....
of the.....Consolidated School District
No.....of the Province of Alberta.

The undersigned severally declare each for himself and herself that he or she is of the full age of twenty-one years, that he or she actually resides within the above named district at the date hereof, and either that his or her name appears on the last revised assessment roll of the said consolidated district or that he or she is the husband, wife, son, daughter or sister of and resides in the same house as such resident ratepayer whose name appears on the last revised assessment roll of the consolidated district.

Names	Property owned or occupied, or residence

Witnesses to above signatures:

.....
Chairman.
.....
Secretary.

Dated the.....day of.....A.D. 19...
[1901, c. 29, Schedule B; 1903 (2), c. 27, s. 13; 1910 (2), c. 6, ss. 1, 48; 1913 (1), c. 19, s. 19; 1918, c. 39, s. 1 (22); 1919, c. 32, s. 1 (22) (23) (24) (25).]

FORM C.

POLL BOOK.

Election of Trustees for theS.D. No.....
of the Province of Alberta.
Date of poll.....; Poll opened.....; Poll closed.....

Name of Voter	Person voted for	Remarks

.....
Chairman.
[1901, c. 29, Schedule, Form C; 1910 (2), c. 6, s. 1.]

FORM D.

POLL BOOK.

Election of Trustees for the.....S.D. No.....
of the Province of Alberta.

Date of Poll.....; Poll opened.....; Poll closed.....

Name of Voter	No.	Residence	Remarks

.....
Chairman.
[1901, c. 29, Schedule Form D; 1919, c. 32, s. 1 (26).]

FORM F.

POLL BOOK.

Vote on debenture by-law submitted to the ratepayers of.....
S.D. on the.....day of.....19....

Poll opened at ten o'clock a.m. Poll closed at four o'clock p.m.

Name of Voter	Record of Votes		Remarks
	For by-law	Against by-law	
Totals			

.....
Returning Officer.
[1901, c. 29, Schedule, Form F.]

FORM G.

I, the undersigned justice of the peace in and for the Province of Alberta having received the poll book used to record the votes taken at the meeting held in the (*give name of school district in full*) on the.....day of.....19...., on the question of the issue of debentures on the security of the said district and having heard all complaints relative to the conduct on the voting beg leave to submit the following return of the votes:

Total number of votes taken		Number of votes on each side after the recount	
For	Against	For	Against

.....
J.P.
Dated at.....this.....day of.....19....
[1901, c. 29, Schedule, Form G.]

THE SCHOOL ASSESSMENT ORDINANCE

Being Chapter 30 of the Ordinances of 1901 (consolidated to and including Amendments of 1920).

THE Lieutenant Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

SHORT TITLE.

1. This Ordinance may be cited as "*The School Assessment Ordinance*."

INTERPRETATION.

2. In this Ordinance, unless the context otherwise requires—

1. All words, names and expressions shall have the same meaning as is expressly or impliedly attached to them by *The School Ordinance*;

2. The expressions "secretary" and "treasurer" shall include "secretary-treasurer";

3. The expressions "board," "assessor," "secretary" and "treasurer" shall include an official trustee appointed under the provisions of *The School Ordinance*;

4. The expression "judge" shall mean a judge of the District Court of the judicial district in which the school district is wholly or mainly situated;

5. A consolidated school district shall be deemed to be a village district for the purposes of this Ordinance;

6. The expression "land" means lands, messuages, tenements, and hereditaments corporeal and incorporeal, of every nature and description, and every estate or interest therein, and whether such estate or interest is legal or equitable, together with all paths, passages, ways, water-courses, liberties, privileges, easements, mines, minerals, and quarries appertaining thereto, and all trees and timber thereon and thereunder lying, or being, and without in any way restricting the generality of this description "land" shall also include for the purpose of this Ordinance the interest of an owner or lessee of mineral rights;

7. The expression "collecting municipal district" means any municipal district which either by virtue of having been a rural municipality, or by virtue of the existence of a by-law to that effect or otherwise levies and collects school taxes.

[1920, c. 13, s. 2 (1).]

ASSESSOR.

3. The assessment in any village or rural district may be made by the board or any person appointed by it as assessor for the district.

(2) Any member of the board may be appointed assessor.

(3) The expression "assessor" in any part of this Ordinance relating to village or rural districts shall mean the board or assessor accordingly as the assessment is made by the board or an assessor.

ASSESSMENT IN RURAL DISTRICTS.

4. The following sections 5 to 24 inclusive shall apply only to rural districts or portions thereof situated in an improvement district or in a municipal district which is not a collecting municipal district. [1920, c. 13, s. 2 (2).]

5. In any rural district the property exempt from taxation shall be—

1. All lands belonging to Canada or to the province;

2. All land held by or in trust for the use of any tribe of Indians;

3. The land to the extent of three acres held by or for the use of any school district erected under *The School Ordinance*;

4. The land to the extent of three acres held by or for the use of any church and occupied by a building used for church purposes;

5. The land in use as a public cemetery, not exceeding twenty-five acres;

6. The land of agricultural societies organized under *The Agricultural Societies Ordinance*;

7. All lands to the extent of five acres held by or for the use of any hospital which receives a government grant;

8. All lands covered with water which are in the course of being reclaimed under any plan or scheme authorized by the Government of Alberta or the Government of Canada.

6. As soon as may be in each year the assessor of the district shall assess every person the owner or occupant of land in the district and shall prepare an assessment roll in which shall be set out as accurately as may be—

(a) Each lot or parcel of land owned or occupied in the district and the number of acres it contains;

(b) The name of either the owner or occupant or both.

7. If the assessor does not know and cannot after reasonable inquiry ascertain the name of the owner of any unoccupied lot or parcel of land in the district the same shall be deemed to be duly assessed if entered on the roll with a note stating that the owner is unknown.

8. In cases where separate school districts have been established whenever land is held by two or more persons as joint

tenants or tenants in common the holders of such property being Protestants and Roman Catholics they shall be assessed in proportion to their interest in the land in the district to which they respectively are ratepayers.

9. A company may by notice in that behalf to be given to the secretary of the board of any district in which a separate school has been established and to the secretary of the board of such separate school district require any part of the land of which such company is the owner to be entered, rated, and assessed for the purposes of said separate school and the proper assessor shall thereupon enter said company as a separate school ratepayer in the assessment roll in respect of the land especially designated in that behalf in or by said notice and so much of the land as shall be so designated shall be assessed accordingly in the name of the company for the purposes of the separate school and not for public school purposes but all other land of the company shall be separately entered and assessed in the name of the company as for public school purposes:

Provided always that the share or portion of the land of any company entered, rated or assessed in any district for separate school purposes under the provisions of this section shall bear the same ratio and proportion to the whole land of the company assessable within the district as the amount or proportion of the shares or stock of the company so far as the same are paid or partly paid up held and possessed by persons who are Protestants or Roman Catholics, as the case may be, bears to the whole amount of such paid or partly paid up shares or stock of the company.

(2) Any such notice given in pursuance of a resolution in that behalf of the directors of the company shall for all purposes be deemed to be sufficient and every such notice so given shall be taken as continuing and in force and to be acted upon unless and until the same is withdrawn, varied or cancelled by any notice subsequently given pursuant to any resolution of the company or of its directors.

(3) Every such notice so given to such secretary shall remain with and be kept by him on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect the assessment roll each year.

(4) False statements made in any such notice shall not relieve the company from rates but any company fraudulently giving such notice or making false statements therein shall be liable to a penalty not exceeding \$100 and any person giving for a company such a statement fraudulently or wilfully inserting in any such notice a false statement shall be guilty of an offence and liable on summary conviction to the like penalty.

(5) In the event of any company failing to give a notice as hereinbefore provided, the board of trustees of the separate school district may give to the company a notice in writing in the following form or to the like effect, that is to say: The board of trustees of the.....Separate School District No.... of the Province of Alberta hereby give notice that unless and until your company gives a notice as provided by section 9 of *The School Assessment Ordinance* (c. 30 of 1901), the school

taxes payable by your company in respect of land lying within the limits of the..... Public School District No..... of the Province of Alberta (*naming the public school district in relation to which the separate school district is established*) will be divided between the said public school district and the said separate school district in shares corresponding with the total amount of the assessed value of lands assessed to individuals for public school purposes and the total amount of the assessed value of lands assessed to individuals for separate school purposes respectively. This notice is given in pursuance of section....., of chapter..... of the Statutes of Alberta, 1910.

(6) Unless and until a company to which notice has been given as aforesaid gives a notice as hereinbefore provided for the whole of the lands of such company lying within the limits of the public school district shall be entered, rated, and assessed upon the assessment roll of the public school district, but the public school district shall pay to the separate school district a share of the taxes collected from the company in respect of its lands equal to the proportion which the total assessed value of the lands assessed to individuals upon the assessment roll of the separate school district bears to the total assessed value of the lands assessed to individuals upon the assessment rolls of both the public and separate school districts.

(7) Service may be effected upon a company of a notice under the foregoing provision by serving the same upon any person whom a writ of summons or other document originating proceedings may be served for the company.

10. Upon the completion of the assessment roll the assessor shall deliver the same to the secretary of the board.

(2) The secretary shall mail to each person assessed whose address is known to him a notice of his assessment; and the entry of the date of the mailing of each such notice together with the initials of the secretary on the assessment roll shall be *prima facie* evidence of the mailing of such notice on the date entered without proof of the appointment or signature of the secretary and the absence of such date and initials shall be *prima facie* evidence that the person's address is unknown.

(3) After all the notices have been mailed the secretary shall post a copy of the roll at the school house or if there be no school house in the district in some conspicuous place outside his residence and shall keep the original roll at his residence open to inspection at any reasonable time.

(4) The secretary may enter on the assessment roll the date on which the same is posted up and initial the same and the entry of such date and initials shall be *prima facie* evidence of the posting of the roll on the date so entered without proof of the appointment of or initialling by the secretary.

(5) If at any time within two months after the posting of the roll it is discovered that any person who was liable to assessment at the time of the posting of the roll is not assessed or that there is any error in any of the particulars contained in the roll the board may direct the secretary to enter the name of such person on the roll or correct the error.

(6) In the event of any addition to or alteration or correction of the roll under the next preceding subsection without the knowledge and consent of the person affected a notice as required by subsection 2 shall be sent to such person and for the purpose of this and the next following section the date of mailing such notice shall as respects him be deemed to be the date of posting the roll.

10a. No assessment shall be invalidated by reason of any error or misdescription in any assessment notice or by reason of the nonreceipt of such notice by the person to whom it is addressed.

11. Any person who objects to his assessment may within fifteen days after the posting of the roll appeal from such assessment by giving notice of such appeal in writing to the justice of the peace nearest the residence of the secretary and such justice shall at the expiration of the time for appealing notify the secretary and appellant of the time and place when all appeals will be heard which shall not be later than thirty days after the posting of the roll.

(2) At the time and place fixed by the justice of the peace the secretary shall appear and produce the assessment roll and all documents and papers in his custody relating to the appeal.

(3) With every notice of appeal there shall be paid to the justice of the peace by the appellant the sum of \$2 for his fee for hearing the appeal and in the event of the appeal being allowed the justice shall order the board to pay to the appellant the amount of the fee so paid by him.

(4) Every alteration of the roll necessitated by the result of any such appeal shall be made and initialled by the justice of the peace.

(5) An appeal shall lie from the decision of the justice of the peace to the District Court and for the purpose of such appeal the provisions of section 41 shall apply.

12. After the expiration of fifteen days from the posting of the roll if no notices of appeal have been given or after all appeals have been decided the board shall make an estimate of the probable expenditure of the district for the current year and shall strike such a rate per acre of land in the district shown on the assessment roll as shall be sufficient to meet such probable expenditure:
[1920, c. 13, s. 2 (3).]

13. The secretary shall thereupon prepare a tax roll by entering on the assessment roll the rate per acre struck as in the next preceding section provided and the amount of taxes payable by each person assessed for the current year:

Provided, however, that the taxes so levied on any lot containing at least one acre, in any subdivision or plan, or on any fraction of a section containing at least one acre shall be at least 50c., and the taxes levied on any lot containing less than one acre in any subdivision or plan or on any fraction of a section containing less than one acre shall be 25c.

14. The secretary if there be both a secretary and a treasurer shall deliver the tax roll to the treasurer as soon as may be after

it has been prepared and the treasurer shall post a copy thereof in the school house or if there be no school house in the district in a conspicuous place outside his residence and retain the original at his residence open to inspection by any ratepayer at any reasonable time.

(2) The treasurer may enter on the tax roll the date on which the same is posted up and initial the same and the entry of such date and initials shall be *prima facie* evidence of the posting of the roll on the date so entered without proof of the appointment of or initialling by the treasurer.

(3) The treasurer shall mail to each person assessed whose address is known to him a notice of the amount of his taxes and the entry of the date of mailing of each such notice with the initials of the treasurer on the tax roll shall be *prima facie* evidence of the mailing of the notice on the date entered without proof of the appointment or signature of the treasurer and the absence of any entry of such date and initials shall be *prima facie* evidence that the person's address is unknown.

(4) The board may by resolution allow a rebate not to exceed ten per cent. upon all taxes paid within thirty days after such taxes have become payable.

15. The taxes accruing upon or in respect of any land in the district shall be a special lien upon such land having priority over any claim, lien, privilege or encumbrance thereon except claims of the Crown.

(2) In the event of any taxes remaining unpaid after the fifteenth day of December of the year in which the same are imposed there shall be added thereto by way of a penalty a sum equal to five per centum of such taxes remaining unpaid, and in the event of such taxes or any part thereof still remaining unpaid on July 1st of the year following that during which the taxes were imposed there shall be added thereto by way of penalty a sum equal to five per centum of such taxes remaining unpaid, and such amount or amounts so added shall form part of the taxes, which by this section are created a special lien upon the land, and such penalty or penalties shall be imposed in the manner aforesaid in each succeeding year during which the said taxes remain unpaid: nothing in this section contained shall be construed to extend the time for payment of the said taxes or in any way to impair the right of distress or any other remedy hereby provided for the collection of the said taxes.

(3) Where a penalty of five per cent. is added under the provisions of this section, it shall be five per cent. of the arrears of taxes and of the penalty or penalties, if any, already added.

[1920, c. 13, s. 2 (4).]

RECOVERY OF TAXES.

16. In case any person fails to pay the taxes assessed against him within thirty days after the posting of the tax roll the treasurer may by himself or his agent levy the same with costs by distress of the goods and chattels of the person against whom the same are assessed situated within the district or of any goods and chattels found upon the land in respect of which the taxes are

due the property of or in the possession of any other occupant of the premises and the costs chargeable shall be the same as those allowed in the schedule to chapter 34 of The Consolidated Ordinances, 1898.

(2) The treasurer shall by advertisement posted up in at least five public places in the district give at least ten days' public notice of the time and place of sale and the name of the person if known for payment of whose taxes the property is to be sold and at the time named in the notice the treasurer or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes due with all lawful costs including \$1 for posting notices.

(3) If the property distrained has been sold for more than the amount of taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus it shall be paid to the person in whose possession the property was when the distress was made.

(4) If the claim is contested such surplus money shall be paid over by the treasurer to the clerk of the District Court within whose jurisdiction such school is situated who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

17. Any taxes or arrears of taxes due to a district may be recovered by suit in the name of the board as a debt due to the district; in which case the tax roll shall be *prima facie* evidence of the debt.

(2) For the purposes of this section all taxes shall be deemed to be due on the day on which the tax roll is posted up as provided in section 14 hereof.

18. The treasurer shall enter all amounts paid him for taxes on the original tax roll opposite the lot or parcel of land in respect of which such payment is made; and shall issue an official receipt for all such payments.

(2) Payments made on account of taxes due in respect of any land shall be first applied in payment of arrears of taxes due in respect of such land since the first of January, 1902.

RETURN OF UNPAID TAXES.

19. The treasurer of every district shall within the first fifteen days of January in each year make a return verified by his solemn declaration to the Minister of Municipal Affairs in such form as may by the Minister of Municipal Affairs be from time to time prescribed showing all lands in the district in respect of which taxes have not been paid together with the years for which such taxes are due, and such return shall be binding upon the district in so far as the same may affect any purchaser or mortgagee in good faith of the lands in respect of which the return is made.

(2) The return for all purposes shall be *prima facie* evidence of the validity of the assessment and imposition of the taxes as shown therein and that all steps and formalities prescribed by this Ordinance have been taken and observed.

(3) The treasurer shall continue to collect arrears of taxes after sending in his return of arrears; but in every case where he receives payment of arrears he shall report such payment to the Minister of Municipal Affairs within ten days after the receipt thereof in order that the same may be noted on the return from his district which is on file in the department; throughout the year he shall notify the said Minister of Municipal Affairs of any change which it may be necessary to make on his return.

(4) The treasurer shall, however, cease to collect arrears when notified by the Minister of Municipal Affairs that forfeiture proceedings in respect to lands in his district have been commenced.

(5) In case the treasurer of any district neglects or refuses to forward to the Minister of Municipal Affairs the return provided for in subsection 1 hereof, such district shall, at the discretion of the Minister of Education, forfeit the sum of five dollars out of any government grant which may have been earned and to which the district is entitled for each week such return is delayed.

20. On application by the Attorney General of the Province of Alberta or some advocate authorized by him to a judge of a District Court in chambers such judge may appoint a time and place for the holding of a court for confirmation of the return mentioned in the preceding section notice of which shall be published in every issue of the official gazette for two months and once each week for at least eight weeks in a local paper published in the vicinity of the lands entered on such return to be named by the Minister of Municipal Affairs.

(2) A notice of the time and place fixed for confirmation of such return shall be sent by registered mail at least sixty days prior to the time so fixed to each person who appears by the records of the proper land titles office or by the said return to have any interest in the lands mentioned in the said return in respect of which confirmation is desired and whose post office address is shown by said records or return; and the entry against such lands of the date of mailing such notice together with the initials of the clerk of the department mailing the same shall without proof of the appointment or signature of the said clerk be *prima facie* evidence that the required notice was mailed on the date so entered.

21. At the time and place so appointed the judge shall hear the application and also any objecting parties and the evidence adduced before him; he shall thereupon adjudge and determine whether or not the taxes imposed respectively upon each parcel of land included in the return were either wholly or in part in default and report the adjudication to the said Attorney General; he shall also confirm the return as to those parcels on which any taxes are determined to be in arrears for over two years naming the amounts of such arrears severally due and adding thereto a reasonable amount for the expense of advertising together with such sum as he may fix for costs of the application; and the effect of such adjudication when registered as hereinafter provided shall be to vest in His Majesty in the right and to the use of his Province of Alberta the said lands freed from all liens, mortgages and

encumbrances of any nature and kind whatsoever subject however to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by the payment to the Minister of Municipal Affairs of the amounts named including expenses as aforesaid together with the redemption fee of five cents for each and every acre in the parcel so redeemed and any subsequent taxes paid by the said Minister of Municipal Affairs, but no redemption fee shall be less than \$2:

Provided also that notwithstanding the above provision as to redemption fee the Minister may compromise upon such terms as may be agreed upon for the payment of the redemption fees on lands which have been subdivided under a plan registered at the land titles office.

(2) For the purposes of this section all taxes shall be held to be due on the first day of January of the calendar year within which the same are imposed.

(3) In the event of any person successfully opposing confirmation of the said return as to the land in which he is interested the judge may order an allowance to him as witness fees to be paid by the Minister of Municipal Affairs.

(4) A copy of such adjudication certified by the Minister of Municipal Affairs shall be forwarded to the registrar of land titles of the land registration district in which the lands named in the adjudication or any of them are situated; and it shall be the duty of the registrar to register the same against the lands therein named.

(5) A copy of such adjudication shall also be sent by registered mail to the persons to whom by subsection 2 of section 20 hereof notice of the time and place fixed for confirmation of the return is required to be sent and such persons or any of them shall be entitled to redeem the lands as herein provided.

(6) Where the word "taxes" occurs in subsection 1 of this section and in sections 22 and 24 hereof the same shall be construed as extending to and including the addition or additions as the case may be of the amount or amounts added by way of penalty as provided for in subsection 2 of section 15 of the said Ordinance as amended herein.

22. If any person interested in any parcel of land contained in the return presented to the judge for confirmation as provided by section 21 of this Ordinance pays the taxes upon such land before the date fixed for confirmation of such return but after such date has been fixed he shall in addition to the amount of taxes shown by such return to be overdue be liable to pay the sum of \$1 for each quarter section or portion thereof for costs of application to the judge and advertising and postage in connection with such proceedings; and any sums so paid shall form part of the general revenue.

23. When the taxes on any parcel of land together with the expenses and redemption fee provided for in section 21 hereof have been paid to the Minister of Municipal Affairs within one year from the date of such adjudication the said Minister of Municipal Affairs shall issue to the person paying the taxes a

certificate in form Q in the appendix to this Act which certificate shall on presentation to the registrar of the land registration district in which the lands named therein are situated be registered by him free of charge and without proof of the signature thereto, and the said certificate when so registered shall discharge and release the said lands from the said adjudication and the effect thereof.

(2) If the said certificate of redemption has not been received by him as aforesaid the registrar shall on the request of the Minister of Municipal Affairs issue free of charge a certificate of title to the land not so redeemed in favour of His Majesty in the right and to the use of his Province of Alberta

24. So soon as the return of the treasurer has been confirmed the Minister of Municipal Affairs shall pay to the treasurer the amount of taxes adjudged in arrears on each parcel of land deducting therefrom any charges he may have been required to pay; and thereafter while owned by His Majesty the said land shall be assessed in the name of the Minister of Municipal Affairs who shall pay taxes as if the land were assessed to an ordinary individual.

(2) Upon the sale of every such parcel of land any surplus derived from such sale over and above the amount of all sums paid by the Minister of Municipal Affairs in respect thereof for taxes or otherwise howsoever together with six per cent. per annum thereon to the extent of all arrears of taxes whether imposed before or after the coming into force of this Ordinance which have not theretofore been paid to the treasurer of the district shall be paid to him.

24a. Sections 19 to 24 inclusive of this Act shall only have effect with regard to lands with regard to which forfeiture proceedings have been begun prior to the passing of this section.

(2) With regard to arrears of taxes on all other lands the provisions of section 93b shall have effect. [1920, c. 13, s. 2 (6).]

24b. In case any rural school district is included within the limits of a collecting municipal district, through its proper officers, to levy and collect such taxes with respect to such school district as may be requisitioned for by a resolution of the trustees of the district, and the council shall forthwith levy and collect such taxes in the same manner as the municipal taxes and pay the proceeds thereof to the treasurer of such school district:

Provided, however, that the council of the municipality shall, from time to time, advance the amounts required for the purposes of the district, such amounts not to exceed the amount requisitioned for by the board.

(2) If any rural school district is situated partly within two or more collecting municipal districts the board of trustees of such school district shall prepare a detailed estimate of the probable amount of the expenditure for the year and shall allocate the amount of such estimated expenditure in proportion to the area of the district lying within the respective municipalities and shall, before the first day of March in each year, forward a

requisition to the secretary-treasurer of each municipality for the amount so allocated to such municipality.

(3) If any rural school district is situated partly within the boundaries of one or more municipalities and partly outside the boundaries of any collecting municipal district the board of trustees of such district shall prepare a detailed estimate of the probable expenditure for the year and shall allocate the amount of such estimated expenditure in proportion to the assessable area of the portions of the district lying within the municipality or respective municipalities and that portion lying outside the boundaries of any municipality shall, before the first day of March in each year, forward to the secretary-treasurer of such municipality or municipalities a requisition for the amount so allocated to such municipality or municipalities respectively.

(4) If any rural school district is situated partly within the boundaries of one or more collecting municipal districts and partly outside the boundaries of any collecting municipal district the board of trustees shall levy and collect upon that portion of the school district situated outside the boundaries of any collecting municipal district the amount of money allocated thereto as provided in the previous subsection in the same manner as is provided for assessment in rural districts in this Ordinance.

(5) Any trustee joining in wilfully making an improper or incorrect allocation of estimated expenditure under this section shall upon summary conviction thereof be liable to a penalty of \$100.

[1920, c. 13, s. 2 (6).]

ASSESSMENT AND TAXATION IN VILLAGE DISTRICTS.

25. The following sections numbers 26 to 87 inclusive shall apply to village and consolidated districts only.

26. All property real and personal in any village district not herein declared exempt from taxation shall be subject to assessment and taxation for school purposes.

(2) The property exempt from taxation under the provisions of this Ordinance shall be—

1. All the property held by His Majesty or for the public use of the Province of Alberta;

2. All property held by or in trust for the use of any tribe of Indians or the property of the Indian department;

3. Where any person is occupant of or interested in any property mentioned in either of the two preceding clauses otherwise than in an official capacity the occupant or person interested shall be assessed in respect thereof but the property itself shall not be liable beyond the interest of the person assessed; provided, however, that in the case of land held under grazing lease or permit from the Government of Canada, no tax shall be payable by any person, as such occupant or person interested in of his interest therein under such grazing lease or permit;

4. The buildings and grounds of all public and separate schools and the personal property belonging to the same being used exclusively for school purposes and under the management of the Department of Education of the Province of Alberta;

5. A building used for church purposes and not used for any other purpose for hire or reward and the lot or lots whereon it stands not exceeding one half-acre except such part as may have any other building thereon;

6. Any land in use as a public cemetery not exceeding twenty-five acres;

7. The annual income of any person derived from any source;

8. Grain, hay, household effects of every kind, books and wearing apparel, and live stock and farm implements used or kept on a farm;

9. The increase in the value of the land by reason of the annual cultivation thereof together with the growing crops or by reason of the cultivation of trees;

10. All works constructed, operated and used in connection with irrigation ditches as well as the ditches themselves operated under and subject to the provisions of *The North-West Irrigation Act*, 1898:

Provided however that should any such works and ditches be not operated during one year then such works and ditches shall not be exempt from taxation during the year following that in which said works were not operated.

11. *Repealed.*

12. The land to the extent of five acres held by or for the use of any hospital which receives a government grant.

27. As soon as may be in each year the assessor shall prepare an assessment roll for the district in which shall be set down according to the best information available a list of all taxable property in the district with the names of the occupants and owners if such can be procured and such roll may be in form E in the appendix hereto.

28. A person owning or occupying property not liable to taxation may compel the assessor on written demand to assess him for such property in order that he may thereby be qualified for voting or holding office.

29. Land and personal property shall be assessed to the person in occupation or possession thereof unless in the case of a non-resident owner such owner shall in writing require the assessor to assess him alone for such property.

(2) Taxes may be recovered by any of the manners herein authorized either from the owner or occupant.

30. Real and personal property shall be estimated at their actual cash value as they would be appraised in payment of a just debt from a solvent debtor.

31. In assessing stock in trade the assessor shall assess a person, firm or corporation for the amount of the average stock in trade kept on hand by such person, firm or corporation during the twelve months immediately prior to the date of assessment or in case such person, firm or corporation kept stock in trade on hand for a shorter period then only during such shorter period.

32. Any person may be required by the assessor to deliver to him a written statement of all property for which he is liable to be assessed with such other information as to owner, occupant, location and value or other necessary particulars as may be demanded and if he fails to do so or knowingly makes any false statement such person shall upon complaint of the assessor forfeit and pay a fine not exceeding \$50 to be recovered upon summary conviction.

33. The assessment roll shall be completed by the first day of April or so soon thereafter as may be in each year and the assessor shall before handing the roll over to the secretary of the board make an affidavit which shall be inscribed upon the roll that the statements contained therein are correct to the best of his knowledge and belief and the roll when so verified shall be *prima facie* evidence of the statements therein contained.

34. The assessor shall thereupon deliver the assessment roll to the secretary of the board who shall file the same and endorse thereon the date of such filing.

35. The secretary shall until the sitting of the court of revision at all reasonable times keep the roll open to the inspection of all persons resident or owning or in the possession of property within the district or the agents of such persons appointed in writing and the overseer of the village may have access to the assessment roll at all reasonable hours.

35a. Subject to the approval of the Minister, any school board may by resolution fix a minimum tax to be paid by any person assessed upon the assessment roll, at the sum of four dollars (\$4) and may require that every male resident of the district of the full age of 21 years who has resided therein for a period of one month or over, and has not been assessed on the assessment roll, shall pay an annual tax of \$4 for school purposes to be collected at any time after the first day of January in each and every year, and such school tax shall be payable by such resident, whether he has resided in the district before the date of the completion of the last revised assessment roll or not; but in the case of the collection of such tax, the name of such resident so paying, shall be added to the assessment roll.

(2) Any person liable to pay such tax shall pay the same to the secretary-treasurer of the district, or to such person as is appointed by the board to collect the same within three days after the demand thereof, but in case of neglect or refusal to pay levy may be made by distress and sale of goods and chattels of the person in default as provided in this Ordinance.

(3) It shall be the duty of every employer to furnish the secretary of the school district in each and every month, and within three days after receipt of a request in writing to that effect from the said secretary, a list of the names of all persons in his employ, and residing within the said district. Every employer failing to comply with the provisions of this subsection shall be guilty of an offence, and liable on summary conviction

before a justice of the peace to a penalty not exceeding the sum of \$50 and costs for each such offence.

(4) The secretary by notice in writing, may require such employer or employers to pay to the district the tax due and payable by any of his or their employees, which tax shall be paid by the employer or employers within one month after notice by the secretary as aforesaid, and may be deducted by the employer or employers from the wages or salary of the employee whether said tax has been previously demanded from such employee or not as hereinbefore provided; provided however that where the employee has paid a tax under the provisions of this section to a school district, he shall not be liable to a similar tax in another district for the same calendar year.

COURT OF REVISION.

36. Within ten days after the filing of the roll the board shall appoint a day, hour and place when it shall sit as a court of revision and it shall cause to be posted up at least twenty days before the meeting of such court in at least five conspicuous places within the district one of which shall be the post office therein notices as in form F in the appendix hereto.

(2) The court of revision shall be held not earlier than forty days nor later than fifty days after the filing of the roll:

Provided that in the event of no appeal being received as provided by sections 38 and 39 of this Ordinance the holding of the court of revision may be dispensed with.

37. Within ten days after the time for holding the court of revision has been fixed the secretary shall give notice in writing by post or otherwise to every person whose name appears upon the assessment roll and whose address is known in form G in the appendix hereto.

38. Any person complaining of an error or omission in regard to himself as having been wrongfully inserted in or omitted from the roll or as having been overcharged by the assessor in the roll may personally or by his agent give notice in writing to the secretary that he considers himself aggrieved for any or all of the causes aforesaid.

(2) The notice shall be given to the secretary at least five days before the day fixed for the sitting of the court of revision.

39. If any ratepayer thinks that any person has been assessed too high or too low or has been wrongfully entered on or omitted from the roll or that any property of any person has been misdescribed or omitted from the roll he may not later than fifteen days before the day fixed for the court of revision give notice in writing to the secretary and the secretary shall forthwith give notice in writing to each person with respect to whom a complaint has been made in form J in the appendix hereto.

40. At the time appointed unless there are no appeals the board shall sit as a court of revision to consider all appeals and complaints that have been received by its secretary in accordance with the provisions of this Ordinance in that behalf and it shall

have power to take evidence under oath and shall alter and amend the roll if necessary in accordance with its decision in each case.

(2) The court of revision may adjourn from time to time but no adjournment shall be for a longer period than one week.

(3) The roll as finally passed by the court and certified by the secretary as passed shall except in so far as the same may be further amended on appeal to a judge of the District Court be valid and bind all parties concerned notwithstanding any defect or error committed in or with regard to such roll or any defect or error or misstatement in the notices required by sections 36, 37 and 39 of this Ordinance or the omission to deliver or transmit such notices.

(4) The court of revision may if in its discretion it deems proper declare the whole roll void and in that event a new assessment shall be made in accordance with the provisions of this Ordinance as if no assessment had been made.

APPEAL FROM COURT OF REVISION.

41. If any person is dissatisfied with the decision of the court of revision he may appeal therefrom to the District Court; in all cases of such appeals the proceedings shall be as follows:

1. The person appealing shall in person or by his agent serve upon the secretary of the school district within eight days after the decision of the court of revision a written notice of his intention to appeal to the District Court in which shall be stated the grounds of appeal;

2. The secretary shall immediately after the time limited for filing notice of appeals forward a list of all appeals filed to the District Court usually exercising jurisdiction in the judicial district of which such district forms a part or if such district forms a part of more than one judicial district then to the judge whose official residence is nearest the district and the judge shall thereupon appoint a time and place for holding a court to hear such appeals and shall notify the secretary of such appointment;

3. The secretary of the district shall be the clerk of such court;

4. The secretary shall thereupon give notice to all the parties appealing and appealed against in the same manner as is provided for giving notice on a complaint to the court of revision specifying the time and place when and where the appeal will be heard but in the event of failure by the secretary to have the required service of notice in any appeal made or to have the same made in proper time the judge may direct service to be made for some subsequent day upon which he may sit;

5. The secretary of the district shall cause a conspicuous notice to be posted up in his office or the place where the board holds its sittings containing the names of the appellants and parties appealed against with a brief statement of the ground or cause of appeal together with the time and place at which a court will be held to hear appeals;

6. At the court so holden the judge shall hear and determine the appeals and may adjourn the hearing from time to time and defer judgments thereon at his pleasure but so that all appeals may be determined before the first day of September:

Provided that the judge may either before or after the said first day of September in his discretion extend the time for the determination of appeals beyond the said first day of September upon proof that the assessment roll was not complete in time to allow of such appeals being determined prior to the said date;

7. At the court to be holden by the judge to hear and determine the appeals hereinbefore provided for the person having charge of the assessment roll passed by the court of revision shall appear and produce such roll and all papers and writing in his custody connected with the matter of appeal and such roll shall be altered and amended if necessary according to the decision of the judge who shall write his initials opposite any part of the said roll in which any alteration or amendment is made unless the decision is not then given in which case the secretary of the district shall when the decision is given forthwith alter and amend the roll if necessary according to the same and write his name opposite every such alteration or amendment;

8. In all such proceedings the judge shall possess all the powers for compelling the attendance and for the examination on oath of all parties whether claiming or objecting or objected to and all other persons whatsoever and for the production of books, papers, rolls and documents and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by him in the District Court;

9. All process or other proceedings in, about or by way of appeal may be intituled as follows:

"In the matter of appeal from the court of revision of the school district of

A.B.,
Appellant,
and
C.D.,
Respondent."

10. The costs of any proceeding before the judge as aforesaid shall be paid by or apportioned between the parties in such manner as the judge thinks proper; and where costs are ordered to be paid by any party the same shall be enforced by execution to be issued as the judge may direct from the District Court or in the same manner as upon an ordinary judgment for costs recovered in such court;

11. The costs chargeable or to be awarded in any case may be the costs of witnesses and of procuring their attendance and none other the same to be taxed according to the allowance in the District Court for such costs; and in case where execution issues the like costs thereof as in the said court and of enforcing the same may also be collected thereunder;

12. The decision and judgment of the judge shall be final and conclusive in every case adjudicated upon.

RATE OF TAXATION.

42. So soon as the assessment roll has been finally revised by the board as aforesaid they shall make an estimate of the probable expenditure of the district for the current year and shall strike

such rate of assessment on the assessed value of the taxable property within the district for the school they represent as shall be sufficient to meet such probable expenditure making due allowance for charges and probable loss in collection. Provided, however, that the taxes levied on any lot in any subdivision or plan shall be at least twenty-five cents and on any lot of at least one acre in any subdivision or plan or any fraction of a section containing at least one acre shall be at least fifty cents.

(2) *Repealed.*

(3) In the case of a village school district the rate of taxation on unsubdivided farm lands situate outside of the boundaries of a village shall not exceed ten mills on the dollar:

Provided, however, that the minister may in the case of any such district, authorize a rate exceeding ten mills on the dollar where, in his opinion, the same is necessary to meet payments on account of debenture indebtedness in said district either due or accruing due.

Provided further that the provisions of this subsection shall not apply to a district that has been declared a village district for assessment purposes under section 95 of this Ordinance, unless such district has within its boundaries a town, nor to any consolidated district.

COLLECTION OF TAXES.

43. The board shall cause to be made out a collector's roll for the district on which shall be set down the name of every person assessed, the assessed value of his real and personal property and the amount with which such person is chargeable according to the rate of taxation struck in respect of sums ordered to be levied by the board with any other particulars that may be necessary and such roll shall be placed in the hands of the treasurer or collector duly appointed by the board.

(2) The board may by resolution allow a rebate not to exceed ten per cent. upon all taxes paid within thirty days after the same have become payable.

(3) In the event of any taxes remaining unpaid after the fifteenth day of December of the year in which the same were imposed there shall be added thereto by way of a penalty a sum equal to five per centum of such taxes so remaining unpaid and in the event of such taxes or any part thereof still remaining unpaid on July 1st of the year following that during which the taxes were imposed there shall be added thereto by way of a penalty a sum equal to five per centum of the taxes remaining unpaid and such amount or amounts so added shall form part of the taxes which by section 53 of the said Ordinance as amended herein are created a special lien upon the land, and such penalty or penalties shall be imposed in the manner aforesaid in each succeeding year during which the said taxes remain unpaid; nothing in this subsection contained shall be construed to extend the time for payment of the said taxes or in any way to impair the right of distress or any other remedy provided by this Ordinance for the collection of the said taxes.

(4) Where a penalty of five per cent. is added under the provisions of this section, it shall be five per cent. of the arrears of taxes and of the penalty or penalties, if any, already added.

[1920, c. 13, s. 2 (7).]

44. As soon as the treasurer or collector shall have received the collector's roll he shall remit or cause to be remitted by mail or otherwise to each person whose name appears upon it as assessed for taxes whose address is known a notice in form L in the appendix hereto.

(2) If the board appoints some person other than the treasurer to be collector such person before receiving any money as such collector shall furnish security in the same manner and to the same amount as is required by *The School Ordinance* in the case of the treasurer.

45. The treasurer or collector, as the case may be, shall give receipts on behalf of the district for all taxes paid to him and shall enter the fact of such payment with the date on the collector's roll.

(2) Payments made on account of taxes due upon any land shall be first applied in payment of arrears of taxes due upon such land.

46. The treasurer or collector shall notify the board from time to time of the names of persons who fail to pay the taxes assessed against them and the board may take or authorize to be taken such action for the collection of such taxes as is hereinafter provided.

47. In case any person fails to pay the taxes assessed against him within the thirty days specified in the notice provided by section 44 of this Ordinance the treasurer or collector may by himself or his agent levy the same with costs by distress of the goods and chattels of the person against whom the same are assessed situated within the school district or of any goods and chattels found upon the premises assessed the property of or in possession of any other occupant of the premises and the costs chargeable shall be those allowed in the schedule to chapter 34 of *The Consolidated Ordinances, 1898*.

48. The treasurer shall by advertisement posted up in at least three public places in the school district and also by publishing the same in a newspaper published in or near to the said school district give at least six days' public notice of the time and place of sale and the name of the person for payment of whose taxes the property is to be sold and at the time named in the notice the treasurer or collector or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes assessed with all lawful cost including the cost of advertisement.

49. If the property distrained has been sold for more than the amount of taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged

to him or that he was entitled by lien or other right to the surplus it shall be paid to the person in whose possession the property was when the distress was made.

(2) If any such claims made by the person for whose taxes the property was distrained and the claim is admitted the surplus shall be paid to the claimant.

(3) If the claim is contested such surplus money shall be paid over by the treasurer or collector of the district to the clerk of the Supreme Court within whose jurisdiction such school is situated who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

50. The taxes may be recovered by suit as a debt due to the district in which case the production of the collector's roll or a copy of so much thereof as relates to the taxes payable by the person and certified as a true copy by the secretary of the district shall be *prima facie* evidence of the debt.

ARREARS OF TAXES.

51. The treasurer or collector, as the case may be, shall on or before the first day of December in each year return the collector's roll to the secretary of the board with an account of all moneys received by him accompanied by an affidavit made before a justice of the peace or other person authorized to take affidavits that the collection and other proceedings have been taken in accordance with the terms of this Ordinance and that all the returns contained therein are correct.

52. The treasurer or collector, as the case may be, shall at the same time make a return verified by affidavit as provided in the next preceding section of all property upon which the taxes or any portion thereof remain unpaid.

(2) A copy of such return shall be kept on file by the secretary of the district and shall be open to inspection of the ratepayers of the district or their agents.

53. The taxes accrued upon or in respect of any land in the district shall be a special lien upon such land and have priority over any claim, lien, privilege, or encumbrance thereon except claims of the Crown.

54. Such accrued taxes shall be entered upon the collector's roll of the district against such property from year to year and the payment of such taxes shall be enforceable at all times in any of the manners provided by this Ordinance for the enforcement of the payment of taxes.

55. Whenever the treasurer or collector is satisfied or is notified by the board that there is sufficient distress upon any real property within the district which is in arrears for taxes he may proceed to levy the amount due in the manner and under the same provisions as are contained in sections 47, 48 and 49 of this Ordinance.

SALE OF LAND FOR TAXES.

56. Whenever any portion of the taxes on any land has been due for two years from the first day of January in the year in which the same was imposed whether imposed before or after the coming into force of this Ordinance the treasurer shall submit to the chairman a list in duplicate of all the lands in his book on which taxes are so due with the amount of arrears against each lot set opposite to the same and the treasurer shall authenticate each such list by affixing thereto the seal of the corporation and his signature and one of such lists shall be deposited with the secretary and the other shall be given to the treasurer with a warrant thereto annexed under the hand of the chairman and the seal of the board commanding him to levy upon the land for the arrears due thereon with costs and the said treasurer is hereby authorized to sell the same.

57. The said treasurer shall not sell any lands which have not been included in the list furnished him as aforesaid.

58. The treasurer shall prepare a copy of the list of lands to be sold as authorized by this Ordinance and shall include therein in a separate column a statement of the proportion of costs chargeable on each parcel for advertising and the sum of twenty-five cents for each parcel advertised for sale and shall cause the said list to be published at least once a week for four consecutive weeks in at least one newspaper published in the school district or if there is no newspaper published therein in the newspaper published nearest to the school district.

(2) The treasurer shall also cause to be published in The Alberta Gazette during two consecutive issues of the same between the date of the first publication in the newspaper above mentioned and the date of sale a notice in form N in the appendix hereto.

59. The advertisement in a newspaper shall contain a notification that unless the arrears of taxes and costs are sooner paid the treasurer will proceed to sell the land for taxes on the day and at the place mentioned in the advertisement.

60. Every such notice shall specify the place, day and hour at which the sale shall commence and each lot or parcel of land shall be designated therein by a reasonable description for registration purposes.

61. All the lots or parcels liable for sale in the school district shall be included in the same statement and notice but any neglect or omission to include any lands liable for sale in the said list shall not be held to invalidate the sale or to prevent the sale of such omitted land on any future occasion for all arrears of taxes that may be due thereon.

62. The day of sale shall not be less than ten days or more than forty days after the last publication of the list and the sale shall take place at such place in the district as the board shall by resolution appoint and in the absence of such appointment at such place in the district as the treasurer in his said notice shall name.

63. If at any time appointed for the sale of lands no bidders appear the treasurer may adjourn the sale from time to time:

Provided always that no such adjournment shall be for a period exceeding fifteen days.

64. At the place, day and hour appointed for the sale of lands if the taxes thereon including costs and charges have not previously been paid the treasurer shall offer the lands for sale by public auction and in so doing shall make and declare the amounts stated in the lists as the taxes due with the charges and costs as the upset price on each respective lot or parcel as offered for sale and shall thus sell the same to the highest bidder or to such person as may be willing to take it at the upset price there being no higher bidder but subject to redemption as hereinafter provided for.

65. If no bidder appears for any land for the full amount of arrears of taxes, costs and charges the treasurer shall there and then sell the same to the board at the upset price.

66. If the land sells for a greater sum than the taxes due together with all charges thereon the purchaser shall only be required to pay at the time of sale the amount of said taxes and charges and the balance of the purchase money shall be payable within one calendar month after the time of redemption of said land shall have expired without the same having been redeemed within the time limited and if the said balance of purchase money shall not be so paid by the purchaser, his heirs or assigns within the time above prescribed he and they shall forfeit all claim to the said land and to any transfer or conveyance thereof as well as the amount paid at the time of sale and such land shall thereupon cease to be affected by said sale.

67. If the purchaser of any parcel of land fails immediately to pay the treasurer on account of said purchase the amount claimed for arrears of taxes and charges the treasurer shall forthwith again put up the property for sale.

68. The treasurer after selling any land for taxes shall give to the purchaser a certificate describing the land as advertised stating the amount of taxes and costs paid and the total amount of purchase money and further saying that a transfer of the same to the purchaser or his assigns shall be executed by the treasurer on his or their demand within one month after the expiration of one year from the date of the certificate if the land be not previously redeemed upon payment of the balance of the purchase money if any remains unpaid and upon payment of \$2 for said transfer.

69. The purchaser shall on receipt of the treasurer's certificate of sale become the owner of the land so far as to have all the necessary rights and powers for protecting the same from spoliation or waste until the lands may be redeemed but he shall not knowingly permit any person to cut any trees or underwood growing upon the land or otherwise injure the same nor shall he do so himself but he may make any other use of the land which

will not depreciate its value; the purchaser shall not be liable for any damage done to the land without his knowledge while the certificate of sale is in force.

70. A statement of the land so sold for arrears of taxes with the names of the respective purchasers, the date of sale, the time of redemption and the amount required to redeem shall within thirty days of the date of sale or adjourned sale be made out and signed by the treasurer in duplicate and one copy shall be kept by the treasurer and the other deposited with the secretary and either of the said lists may be inspected at any time during office hours for a fee of ten cents for each lot of which inspection is desired.

REDEMPTION OF LAND SOLD.

71. The owner of any land which may hereafter be sold for taxes or his heirs, executors, administrators or assigns or any other person on his or their behalf but in his or their name only may at any time within one year from the date of sale exclusive of that date redeem the land sold by paying to the treasurer before the hour of three o'clock in the afternoon of the said last day for redemption for the use and benefit of the purchaser or his legal representatives the sum paid by him together with ten per centum thereon and any further or other tax or sum which shall have been imposed or levied against said land and paid by the purchaser before the date of redemption and the treasurer shall give the party paying such redemption money a receipt stating the sum paid and the object thereof and such receipt shall be evidence of the redemption.

(2) The treasurer shall before giving such receipt ascertain from the purchaser what further or other tax or sum, if any, has been paid by him under the authority of this section.

72. For the purpose of this Ordinance the day of sale shall be the day on which the sale was advertised to take place without reference to any adjournment or adjournments and all certificates shall be dated as of that day.

73. From the time of payment to the treasurer of the full amount of redemption money required by this Ordinance all rights and interests of the purchaser shall cease.

74. Whenever such redemption is effected by a person not specially authorized the treasurer shall mention in the receipt given him for the redemption money the name and designation of the person paying the same, the name of the person on whose behalf the payment is made and every redemption receipt shall be made out in triplicate, one copy shall be given to the person paying the redemption money, one shall remain on file in the office of the treasurer and the third shall be transmitted to the secretary by the treasurer.

75. The treasurer shall also immediately after the redemption of any land give notice by registered letter to the party appearing by his books to be the purchaser of the same apprising him of the

fact of such redemption and the amount of money paid in for such purpose.

TRANSFER IN CASE OF NONREDEMPTION.

76. If the land be not redeemed within the period allowed by this Ordinance then on demand of the purchaser, his heirs or assigns or other legal representatives at any time after the expiration of the time limited for the redemption upon payment of the balance of purchase money as aforesaid and the further sum of \$2 the treasurer shall prepare and execute and deliver to him or them a transfer of the land sold in form P in the appendix or to the like effect:

Provided that any land sold to the school board under the provisions of this Ordinance as hereinbefore provided shall be transferred to the board immediately on the expiration of the time allowed for redemption without charge.

77. Such transfer shall upon confirmation of the sale by a judge vest in the purchaser all rights of property which the original holder had therein and shall also purge and release such land from all payments, charges, liens, mortgages and encumbrances of whatever nature and kind other than existing liens of the school district or Crown and local improvement, irrigation district and village taxes and whenever lands are sold for arrears of taxes and the treasurer shall have given a transfer thereof such transfer shall notwithstanding any informality or defect in or preceding such sale be valid and binding to all intents and purposes except as against the Crown.

78. After the expiration of one year from the date of any such transfer the sale and transfer may be set aside only upon it being shown either—

1. That there has been fraud or collusion; or
2. That all taxes have been paid; or
3. That the land was not liable to assessment.

ILLEGAL SALES, LIABILITY OF BOARD.

79. In no case shall the board of any district be liable for damages or costs in any suit brought to set aside a tax sale or be liable for any damages or costs arising therefrom or incur any liability other than in case of a sale declared void by a competent court that of refunding to the purchaser the amount of money actually received with legal interest.

80. When the title of any land sold for arrears of taxes is vested in the Crown the transfer thereof in whatever form given shall be held to convey only such interest as the Crown may have given or parted with or may be willing to recognize or admit that any person possess under any colour of right whatever.

TAX SALES FUND.

81. The treasurer shall keep a separate account in a chartered bank at the joint credit of the chairman and treasurer of all sums

paid to him as balances of purchase money on lands sold for arrears of taxes and not redeemed and shall enter in a book the amount received from the purchaser of any lot sold by him over the taxes and charges against said lot with date of sale and of receipt of balance and the aggregate amounts so received shall form a fund to be called the tax sale fund and the treasurer shall in the month of January in each year and on request at any other time furnish a statement to the board giving the particulars respecting such fund and whenever any portion of such fund shall have remained to the credit of the account for six years from the day of sale of the land of the purchase money of which it forms a part without any notice or claim or order for payment having been served on him as hereinafter provided any right to such portion or sum so remaining unclaimed shall be forfeited and thereafter it shall be the absolute property of the board and the said board shall forever be discharged from any claim on account thereof.

82. Any person claiming to have been interested in any parcel of land sold for taxes and transferred as aforesaid which shall have realized more than the amount due for taxes and charges shall be entitled to claim and receive the said overplus or sum or any portion thereof specified in the order hereinafter mentioned provided that a written notice is served upon the treasurer previous to the time limited for forfeiture upon producing and leaving with the treasurer within six months from the date of service of such notice of claim an order signed by a judge reciting that it had been proved to the satisfaction of the said judge that the claimant was at the time of sale interested in the said land and requiring the school board to pay the said surplus money or the portion thereof specified in the order to the said claimant and such or any judge's order for payment of any part of the said tax sales fund shall be kept by the treasurer and shall be the warrant and authority for making such payment.

83. In seeking to obtain a judge's order any claimant upon the said fund shall in person or by advocate petition the judge in writing for that purpose describing the land sold and setting forth the particulars of the said sale and the title under which the said money is claimed and shall at the same time furnish such evidence of title as may be necessary for proving his title or interest to the satisfaction of the judge and the facts set forth in the petition shall be verified by affidavit so far as may be necessary to satisfy the judge of the *bona fide* nature of the claim and the said judge may in his discretion require the claimant to serve a notice of his application upon the board or publish the same in any manner he may deem proper or substantiate his claim in any other manner and the judge may in his discretion order said money to be paid over to the clerk of the Supreme Court there to be dealt with in such manner as the court shall order and in such case a copy of his order stating the reason therefor shall be filed in the said court and served upon the treasurer.

84. The same fees shall be paid upon any application made under the last preceding section as are payable in respect of

applications in chambers for a judge's order in any suit for damages in which the same amount is involved.

85. In any case where the judge deems it advisable to order notice to be served upon the board he shall in the final decision of the question if the claimant is successful order the costs of the board to be paid out of the fund in question or by the claimant in case the claimant fails.

86. The fact of claiming any surplus held to the credit of any lots sold for taxes in the said tax sales fund shall be considered an admission of the validity of the sale of the lot in question by the claimant and the said claimant and all claiming by, through or under him shall from and after the time of making such claim be debarred from taking any proceeding to question or set aside such sale notwithstanding that the said claim shall have been made within the time otherwise limited for taking any proceedings to invalidate any tax sale and the said sale shall thereafter be held to be in all respects valid and binding as against the claimant and those claiming by, through and under him as aforesaid.

87. Within ten days after the commencement of any suit or proceeding to set aside or question a sale for arrears of taxes the plaintiff shall cause the treasurer to be notified in writing of the fact of the action or proceeding having been commenced and the treasurer in such case shall not forfeit any surplus held by him to the credit of the parcel of land in dispute but shall hold the same subject to the order of the court and in case the plaintiff succeeds the court shall order the said surplus to be repaid to the defendant, the tax sale purchaser or his proper representatives and in case the plaintiff fails in such action or proceeding to set aside such sale but proves to the satisfaction of the court that he was at the time of sale the lawful owner of the said land and the person entitled to the said surplus money according to the true intent and meaning of this Ordinance then in such case the court shall order such surplus money to be paid over to the plaintiff or his proper representatives upon and after payment by the said plaintiff of such costs of the defendant as he may have been ordered by the court to pay.

87a. Sections 56 to 87 inclusive of this Act shall only have effect with regard to lands with regard to which sale proceedings have been begun, by their inclusion in an advertisement for sale as provided for by section 58.

(2) With regard to arrears of taxes on all other lands the provisions of section 93b shall have effect. [1920, c. 13, s. 2 (8).]

ASSESSMENT AND TAXATION IN TOWN DISTRICTS.

88. The following sections numbers 89 and 90 shall apply to town districts only.

89. Where a district is situated within a municipality the trustees may as soon as may be after the final revision of the assessment roll of the municipality make a demand on the council of such municipality for the sum required for school purposes for the then current year.

(2) For the purposes of assessment and taxation and for the purposes of this section any portion of a town district which is not within the limits of a municipality shall be deemed to be within the limits of the municipality and the provisions of *The Town Act* or of any special Ordinance creating such municipality and any amendments thereto shall apply to such portion as if the same formed a part of the municipality.

(3) In the event of a town district being situate partly within a town municipality and partly within a rural municipality for the purposes of assessment and taxation and for the purposes of this section the portion within the rural municipality shall be deemed to be within the town municipality.

(4) Any assessment heretofore made by any town municipality of any portion of the town district situate within a rural municipality shall be as valid as if made after the passing of this Ordinance.

(5) In the case of a town school district the rate of taxation on unsubdivided farm lands situated outside of the limits of the town municipality shall not exceed eight mills on the dollar.

(6) No taxes levied under this Act prior to the first day of January, 1913, in any town district shall be deemed to be invalid for the reason that the rate of taxation exceeded the rate permitted by law at that time.

(7) The amendments made to this section at the Second Session of the Third Legislature are hereby declared to be retroactive, but no person who commenced an appeal from the decision or order of any court of confirmation before the 15th day of October, 1914, shall be obliged to pay any of the expenses or costs added or fixed by such decision or order, or incurred in such appeal if his rights of appeal are adversely affected by the said amendments.

90. Subject to the provisions of this Ordinance and of *The School Ordinance* the property liable to assessment and taxation for school purposes shall be the property liable to assessment and taxation for municipal purposes.

VILLAGE AND TOWN DISTRICTS.

91. The following sections numbers 92 and 93 shall apply to village and town districts only.

92. In cases where separate school districts have been established whenever property is held by two or more persons as joint tenants or tenants in common the holders of such property being Protestants and Roman Catholics they shall be assessed in proportion to their interests in the property in the district to which they respectively are ratepayers.

93. A company may by notice in that behalf to be given to the secretary-treasurer of any municipality wherein a separate school district is either wholly or in part situated and to the secretary of the board of any public school district in which a separate school has been established and to the secretary of the board of such separate school district require any part of the real property of which such company is either the owner and occupant or not

being such owner is the tenant or occupant or in actual possession of and any part of the personal property, if any, of such company liable to assessment to be entered, rated and assessed for the purposes of said separate school and the proper assessor shall thereupon enter said company as a separate school supporter in the assessment roll in respect of the property specially designated in that behalf in or by said notice and so much of the property as shall be so designated shall be assessed accordingly in the name of the company for the purposes of the separate school and not for public school purposes but all other property of the company shall be separately entered and assessed in the name of the company as for public school purposes:

Provided always that the share or portion of the property of any company entered, rated or assessed in any municipality or in any school district for separate school purposes under the provisions of this section shall bear the same ratio and proportion to the whole property of the company assessable within the municipality or school district as the amount or proportion of the shares or stock of the company so far as the same are paid or partly paid up, held and possessed by persons who are Protestants or Roman Catholics, as the case may be, bears to the whole amount of such paid or partly paid up shares or stock of the company.

(2) Any such notice given in pursuance of a resolution in that behalf of the directors of the company shall for all purposes be deemed to be sufficient and every such notice so given shall be the assessor shall in each year before the completion and return of the assessment roll search for and examine all notices which may be on file in the clerk's office and shall thereupon in respect of said notice if any follow and conform thereto and to the provisions of this Ordinance in that behalf.

(4) False statements made in any such notice shall not relieve the company from rates. Any company fraudulently giving such notice or making false statements therein shall be liable to a penalty not exceeding \$100. Any person giving for a company taken as continuing and in force and to be acted upon unless and until the same is withdrawn, varied or cancelled by any notice subsequently given pursuant to any resolution of the company or of its directors.

(3) Every such notice so given to such secretary-treasurer shall remain with and be kept by him on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect the assessment roll and such a statement fraudulently or wilfully inserting in any such notice a false statement shall be guilty of an offence and liable on summary conviction to a like penalty.

(5) In the event of any company failing to give a notice as hereinbefore provided for, the board of trustees of the separate school district may give to the company a notice in the following form or to the like effect that is to say: The board of trustees of the.....Separate School District No..... of the Province of Alberta hereby give notice that unless and until your company gives a notice as provided for by section 93 of *The School Assessment Ordinance* (c. 30 of 1901) the school taxes payable by your company in respect of land lying within the limits of the.....Public School District No.....

of the Province of Alberta will be divided between the said public school district and the said separate school district in shares corresponding with the total amount of the assessed value of lands assessed to individuals for public school purposes and the total amount of the assessed value of lands assessed to individuals for separate school purposes respectively. This notice is given in pursuance of section.....of the Statutes of Alberta, 1910.

(6) Unless and until a company to which notice has been given as aforesaid gives a notice as hereinbefore provided for, the whole of the real property of which the company is either the owner and occupant or not being such owner is the tenant or occupant or in actual possession of, and the whole of the personal property if any of the company liable to assessment shall be entered, rated and assessed upon the assessment roll of the public school district, or of the municipality, as the case may be, as if for public school purposes, but the public school district shall pay to the separate school district a share of the taxes collected from the company in respect of such property equal to the proportion which the assessed value of the property assessed to individuals upon the assessment roll of the separate school district or assessed to individuals as separate school supporters upon the assessment roll of the municipality, as the case may be, bears to the total assessed value of the property assessed to individuals upon the assessment rolls of both the public and separate school districts or upon the assessment roll of the municipality, as the case may be.

(7) Service may be effected upon a company of a notice under the foregoing provisions by serving the same upon any person upon whom a writ of summons or other document originating proceedings may be served for the company.

93a. On the hearing of any appeal brought before a judge with respect to assessment in a village or a town district, if it is made to appear to the judge that land situated in any village or town school district but outside the limits of the village or town municipality has been assessed at a higher relative value than land within such village or town municipality, he may order that a percentage of reduction be made in the assessed value of all lands so situated outside the limits of such municipality so that justice may be done in the school district as between the ratepayers within and those without the limits of the village or town municipality.

(2) The judge shall have further power upon the hearing of any such appeal if he is of the opinion that the assessment is so inequitable that substantial justice cannot be done by adjusting the assessment in such cases as are then on appeal before him or by means of the exercise of the powers conferred by this section he may order that the assessment be quashed and that a new assessment be made.

RETURN OF ARREARS OF SCHOOL TAXES.

93b. After December 31st, 1919, the treasurer of every school district which collects its own school taxes shall annually and not later than the first day of July, forward to the treasurers of every town, village or municipal district any portion of which is situate within the school district, a statement showing all arrears of school taxes upon land situate in such town, village or municipal

district as the case may be, and levied previously to the first day of January of that year, with the names and addresses (if known) of the persons by whom such arrears are payable, and shall at the same time forward a similar statement to the Department of Municipal Affairs with respect to arrears of school taxes on land situate within the school district, but outside any town, village or municipal district.

(2) The statement hereinbefore referred to shall not contain any lands which are subject to the provisions of sections 19 to 24 inclusive of this Act or of sections 56 to 87 inclusive of this Act.

(3) The treasurer of every school district shall advise the officer or other person to whom he forwards any statement, under the provisions of this section, of any payments made in respect of the aforesaid arrears after the forwarding of such statement.

(4) The amount of all such arrears when realized or collected by any of the persons to whom statements are hereinbefore directed to be sent shall be forwarded forthwith to the treasurer of the proper school district, less an amount equal to five per cent. of the arrears so realized or collected, which amount shall be retained by and belong to the town, village, municipal district or Department of Municipal Affairs, as the case may be:

Provided that all sums paid in respect of such arrears after the date of the first publication in The Alberta Gazette of the notice of sale provided for by *The Tax Recovery Act* shall be deemed to have been collected by the person to whom the statement containing such arrears was or ought to have been forwarded in compliance with the terms of this Act, and out of any such sum so paid directly to the treasurer of a school district, an amount equal to five per cent. thereof shall be forthwith remitted to the person who by virtue of this section is deemed to have collected the same.

[1920, c. 13, s. 2 (9).]

MISCELLANEOUS.

94. In cases where separate school districts have been established where land is owned by a Protestant and occupied by a Roman Catholic or *vice versa* such land shall be assessed to the owner.

95. The Minister of Education may, by order, notice of which shall be published in the official gazette, declare that for the purposes of this Ordinance and any assessment and taxation for school purposes any rural or town district shall be deemed a village district, and thereafter all the provisions of this Ordinance relating to village districts shall apply thereto:

Provided that the said Minister of Education may also by order, notice of which shall be published in the official gazette, declare that any district, the status of which has been changed as provided for in this section, shall be deemed to be a rural or town district as the case may be, and thereafter all the provisions of this Ordinance relating to rural or town districts shall apply thereto.

95a. The Minister of Education may, by order, notice of which shall be published in the official gazette, declare that for the

purposes of this Ordinance and any assessment and taxation for school purposes, any consolidated school district shall be deemed a rural district, and thereafter all the provisions of this Ordinance relating to rural districts shall apply thereto, saving and excepting the provision limiting the rate of taxation to 16 cents per acre.

(2) The Minister may also by order, notice of which shall be published in the official gazette, declare that any district the status of which has been changed as provided for in this section, shall be deemed to be a consolidated district and thereafter all the provisions of this Ordinance relating to consolidated districts shall apply thereto.

96. In the case of any district situated wholly or partly within the limits of any municipality which under the provisions of this or any other Ordinance becomes or is declared to be a rural or village district the Lieutenant Governor in Council may make such orders, provisions and appointments as to him may appear necessary for the adjustment, arrangement and settlement of all accounts between any such district and the municipality within which it is wholly or partly situated.

96a. Subject to the approval of the Minister the board may enter into an agreement with the owner or owners of any land which is subdivided into plots or parcels of one acre or less to accept in full settlement of arrears of taxes an amount less than the total amount due on account of such arrears whether it is contemplated that such plan should be cancelled or not.

[1920, c. 13, s. 2 (10).]

96b. No proof shall be necessary in any court of law or equity on, from and after the lapse of one year after the 31st day of December in any year in which taxes have been levied to establish in respect of such taxes that all or any of the provisions of this Ordinance with respect to assessment and taxation have been complied with, and the production of the assessment roll or tax roll as finally passed shall be conclusive evidence in a court of law or equity that all the provisions of the Ordinance respecting assessment or taxation respectively have been fully complied with, and after such lapse of time no court of law or equity shall hold any assessment or taxation made or levied under this Ordinance invalid unless it is established to the satisfaction of the court that the person or property assessed was not liable to be assessed or that the rate of taxation levied was in excess of the amount allowed by law and in the latter case if the court shall adjudge the assessment or taxation invalid it shall only be deemed invalid to the extent of the excess.

(2) The provisions of this section shall apply to every assessment and taxation made at any time either before or after the passing of this Act.

EXECUTIONS AGAINST SCHOOL DISTRICTS.

97. Any writ of execution against the board of any district may be endorsed with a direction to the sheriff to levy the amount thereof by rate and the proceedings thereon shall be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer or leave such copy at the office or dwelling-house of such officer with a statement in writing of the sheriff's fees and of the amount required to satisfy such execution including such amount of interest calculated to some day as near as is convenient to the day of service;

2. In case the amount with interest thereon from the day mentioned in the statement be not paid to the sheriff within one month after the service the sheriff shall examine the assessment roll of such district and shall in like manner as rates are struck for general school purposes strike a rate on the dollar or on the acre, as the case may be, on the assessable property in the said district sufficient to cover the amount due on the execution with such addition to the same as the sheriff deems sufficient to cover the interest and his own fees up to the time when such rate will probably be available;

3. He shall thereupon issue a precept or precepts under his hand and seal of office directed to the said treasurer and shall by such precept after reciting the writ and that the said board had neglected to satisfy the same command the said treasurer to levy or cause to be levied such rate at the time and in the manner by law required in respect to the general school rates;

4. At the time for levying the annual rate next after the receipt of such precept the treasurer shall add a column to the tax roll of the said district headed "Execution rate of A.B. v. Board of School District." (or, as the case may be, adding a column for each execution if more than one) and shall insert therein the amount by such precept required to be levied upon each person respectively and shall levy the amount of such execution rate as aforesaid; and such treasurer so soon as the amount of such execution or executions is collected shall return to the sheriff the precept with the amount levied thereon;

5. The sheriff shall after satisfying the executions and all fees thereon return any surplus within ten days after receiving the same to the said treasurer for the general purposes of the said district;

6. The treasurer shall for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Ordinance with respect to such executions be deemed to be an officer of the court out of which the writ issued and as such shall be amenable to the court and may be proceeded against by attachment, *mandamus* or otherwise in order to compel him to perform the duties hereby imposed upon him.

98. In the foregoing section the word "treasurer" shall mean—

1. In the case of a village or rural district the treasurer of the school district;

2. In the case of a town district the secretary-treasurer of the municipality.

99. In case of the absence of the treasurer of any village or rural district and the refusal or neglect of the board to appoint some other person in his place or in case of the refusal or neglect

of the treasurer to comply with any of the provisions of section 97 hereof the sheriff upon application to a judge of the Supreme Court may be invested with full power and authority to assess, levy, collect and enforce payment in the same manner as assessors, collectors and treasurers are authorized to do by this Ordinance of such sum or sums of money as may be required to pay and satisfy the execution or executions and all fees and legal expenses including such allowance for the costs, levy, collection and enforcement of payment as the judge may allow:

Provided that any person may within one month from the date of the notice by the sheriff of assessment by him apply to the sheriff to revise such assessment in any respect as to which such person might have appealed to a court of revision and if the sheriff refuses such application appeal may be had to a judge of the Supreme Court on application to him within eight days after the sheriff's decision of which application notice in writing shall be given to the sheriff, and on such application the judge may proceed as in the case of an appeal from a court of revision.

FORMS.

100. The several forms in the appendix to this Ordinance to suit the case or forms to the like effect shall be deemed good, valid and sufficient.

101. This Ordinance shall come into effect on the first day of January, 1902.

For Rural Districts. (Sections 6 and 13.)

APPENDIX.

FORM A.

ASSESSMENT AND TAX ROLL.

Of the of the Province of Alberta, for the year 19.....
School District No.

ASSESSMENT				TAXATION								DATE OF POSTING ROLL										
No. on Roll	Name of ratepayer (Enter name of owner and occupant, if any. If owner is unknown enter "Unknown")	Post Office Address	Description of property (State section, township, range or number of lots, etc., as case may be)	Number of acres assessed	Date of mailing assessment notice	Secretary's initials (To be written after each notice mailed)	Rate of taxation on the acre	\$	c	Amount of taxes for current year	\$	c	Arrears of taxes due from Jan. 1, 1902	\$	c	Total Taxes due	\$	c	Date of mailing tax notice	Treasurer's initials (To be written after each notice mailed)	Amount	Date of Payment
1	Owner			4	5	6	7	\$	c	8	\$	c	9	\$	c	10	\$	c	11	12		
	Occupant																					

This assessment roll was posted on the day of 19.....
Secretary.

This tax roll was posted on the day of 19.....
Treasurer.

NOTE.—The information required in columns 1, 3 and 4 is to be filled in by the assessor (see sections 6 and 7), after which the roll is to be delivered to the secretary, who will fill in columns 2, 5 and 6, and then post a copy of the roll and fill in and sign the date of posting (see section 13). The treasurer will also fill in columns 11 and 12. If the secretary is also treasurer he will perform the duty assigned to both.

FORM B.

For Rural Districts.
Section 10 (2).

ASSESSMENT NOTICE.

The.....of
School District No.....of the Province of Alberta.
To.....P.O.

You are hereby notified that your name appears on the assessment roll of the above named school district for the year 19.....as the owner (or occupant) of.....and that you are assessed for.....acres of land.

You are further notified that if you object to this assessment you must appeal to the justice of the peace nearest to my residence within fifteen days after the posting of the assessment roll otherwise the assessment will stand.

Dated at.....
this.....day of
.....19....

.....
Secretary.

(or Secretary-Treasurer).

Residence of Secretary (or Secretary-Treasurer) Sec....Tp...Rge...M...

FORM C.

For Ratepayers in Rural Districts.
(Section 11.)

NOTICE OF APPEAL.

To.....
Justice of the Peace,
.....P.O.

You are hereby notified that I appeal from my assessment in The.....School District No.....of the Province of Alberta for (description of property and number of acres) on the ground that.....and that I wish to have this my appeal considered by you.

(Signature).....

Dated at.....
this.....day of
.....19....

NOTE.—A fee of \$2 must accompany this notice or be delivered to the justice of the peace if the notice is handed to him.

FORM D.

For Rural Districts.
Section 14 (3).

TAX NOTICE.

The.....of
School District No.....of the Province of Alberta.
To.....P.O.

You are hereby notified that you are assessed on the assessment roll of the above named school district for the year 19....for.....acres of land the taxes on which at the rate of.....cents per acre amount to \$.....; and you are further notified that the arrears of taxes due by you to the said district amount to \$.....and you are required to pay the same forthwith.

The land for which you are assessed is.....
(here describe the land).

.....
Treasurer.

(or Secretary-Treasurer).

Dated at.....
this.....day of
.....19....

For Villages Districts. (Section 27.)

FORM E.

ASSESSMENT ROLL.

Of the of the Province of Alberta, for the year 19.....
 School District No.

No. on Roll	Name of ratepayer (Enter name of owner and occupant, if any. If owner is unknown enter "Unknown.")	Description of Real Property (Section, township, range, etc., lot, block, etc., building, etc.)	Value of Real Property	Description of Per- sonal Property not exempted by this Ordinance	Value of Personal Property	Total Value of Real and Personal Property	Date of Mailing Assessment Notice	Secretary's Initials (To be written after each notice mailed.)
1	Owner		\$		\$			
	Occupant							
2								

Note: 1.—The following affidavit should be inscribed upon the roll by the assessor before handing it to the secretary of the district (see section 33): I, A.B., assessor of the above named school district, make oath and say (or do solemnly affirm), that the statements contained in the foregoing assessment roll are correct to the best of my knowledge and belief

Sworn before me at.....

in the Province of Alberta, this.....

day of.....

19.....

2.—Upon receipt of the roll the secretary should note thereon the date of filing in the following form (see section 34):
 A J.P., Com., or N.P.

Filed this.....

day of.....

19.....

Secretary.....

FORM F.

For Village Districts.
(Section 36.)

NOTICE OF SITTING OF COURT OF REVISION.

Notice is hereby given that the assessment roll for The.....
S.D. No.....of the Province of Alberta has been completed and
the same may be examined at.....and the
board of trustees of the said school district will sit as a court of revision to
hear assessment appeals at.....on the.....
day of.....19...., at the hour of.....o'clock
....m., and no person who does not appear at the said time and place will
be entitled to appeal from the decision of the said court of revision to a
judge of the District Court.

Dated at.....
this.....day of
.....19....

.....
Secretary.

FORM G.

For Village Districts.
(Section 37.)

ASSESSMENT NOTICE.

of
The.....School District No..... of the Province of Alberta.
To.....
.....P.O.

You are hereby notified that your name appears on the assessment roll
of the above named school district for the year 19....as the owner (or
occupant) of the following property (*give description of property*).....
.....which is assessed at \$.....

The board of trustees of the said district will sit as a court of revision
(*mention day, hour and place at which court of revision is to be held*).....
and, if you consider that you have been wrongly assessed as above stated
you will have an opportunity to make a statement of your case before the
said court.

Take notice that if you do not give notice in writing of appeal to the
secretary of the board five days previous to the sitting of the court of revision
and if you do not appear before the said court either in person or by agent
you will not be entitled to appeal from its decision to a judge of the District
Court.

.....
Secretary.

Dated at.....
this.....day of
.....19....

FORM H.

For Ratepayers in Village Districts.
(Section 38.)

NOTICE OF APPEAL.

To.....
Secretary of.....School District,

.....P.O.
You are hereby notified that I object to my assessment in The.....
School District No.....of the Province of Alberta on the ground
that.....and that I wish to
have my appeal considered by the court of revision.

(*Signature*).....

Dated at.....
this.....day of
.....19....

FORM I.

For Village Districts.
(Section 39.)

NOTICE TO PARTY WHOSE ASSESSMENT IS APPEALED AGAINST.

To.....P.O.

Take notice that you are required to attend the court of revision for theS.D. No.....of the Province of Alberta to be held (*give day, hour and place of sitting of the court*) in the matter of the complaint by.....applicant that you are assessed too high (or too low or not a *bona fide* ratepayer or as the case may be).

.....
Secretary.

FORM J.

For Ratepayers in Village Districts.
(Section 41.)

NOTICE OF APPEAL.

(From decision of court of revision.)

To.....

Secretary.....School District.

You are hereby notified that I appeal to a judge of the District Court from the decision of the court of revision of The.....School District No.....of the Province of Alberta with respect to my assessment in the said district for (*give description of property and assessed value*) on the ground that (*state grounds of appeal*).....

(Signature).....

Dated at.....
this.....day of
.....19....

For Village Districts. (Section 43.)

FORM K

COLLECTOR'S ROLL.

No. Roll	Name of Ratepayer (As shown on Assessment Roll. If owner is unknown, enter "Unknown.")	Post Office Address	Assessed Value Real and Personal Property	Rate of Taxation on the Dollar	Amount of Taxes for Cur- rent Year	Arrears of Taxes Due	Total Taxes Due	Date of Mailing Tax Notice	Treasurer's Initials (To be written after each notice mailed)	Payment of Taxes	
										Amount	Date
										\$	c
				(Mills)							

Of the School District No. of the Province of Alberta, for the year 192.....

FORM L.

For Village Districts.
(Section 44.)

TAX NOTICE.

The.....School District No.....of the Province of Alberta.
To.....

P.O.

You are hereby notified that you are assessed on the assessment roll of the above named school district for the year 191.....for property valued at \$.....the taxes on which at.....mills on the dollar amount to \$.....;and you are further notified that the arrears of taxes due by you to the said district amount to \$.....and you are required to pay the same within thirty days after the date of this notice.

Treasurer.

Dated at.....
this.....day of
.....19....

FORM M.

For Village Districts.
(Section 58.)

LIST OF LANDS
in

The.....School District No.....of the Province of Alberta
to be sold for taxes as authorized by *The School Assessment Ordinance*.

Description of Property	Arrears of Taxes	Cost of Advertising	Fee under Ordinance	Total charge against each parcel
(Give full and accurate description of property sufficient for registration.)				

Notice is hereby given that unless the arrears of taxes and costs as shown in the above lists are sooner paid I will on the.....day of.....191...., at the hour of.....o'clock....m., at.....(*give place of sale*) proceed to sell the lands shown in the above list in respect of which the said arrears and costs are payable.

Date of first insertion in newspaper,
.....191....

Treasurer.

FORM N.

For Village Districts.
(Section 58.)

(Notice for insertion in Gazette.)

NOTICE.

Notice is hereby given that on the.....day of.....19...., at the hour of..... at (*give name of place in particular*) there will be offered for sale by public auction in accordance with the terms and provisions of *The School Assessment Ordinance* providing for the sale of lands for arrears of school taxes certain lands situated in township.....range.....west of the.....meridian, being part of the lands forming (*give name of school district*) particulars regarding which lands may be found in the issues of (*give name, dates and place of issue of newspaper*).

Treasurer.

P.O. Address.....

FORM O.

For Village Districts.
(Section 69.)

TREASURER'S CERTIFICATE.

This is to certify that at a sale of land for taxes due to The.....
School District No.....of the Province of Alberta held under the
provisions of *The School Assessment Ordinance* (give name, address and
occupation of purchaser) purchased (give description of property purchased)
for the sum of \$.....(give purchase price) and that the said
(give name of purchaser) has paid thereon the sum of \$.....
being amount of taxes and costs against the said land.

Upon payment of the balance of the purchase money and upon payment
of a fee of \$2.00 a transfer of the above mentioned land to the said (name
of purchaser) or his assigns shall be executed by the treasurer of the said
district on his or their demand within one month after the expiration of one
year from the date of this certificate if the said land be not previously
redeemed as provided in the said Ordinance.

.....
Treasurer.

Dated at.....
this.....day of
.....19....

FORM P.

Village Districts.
(Section 77.)

TRANSFER OF LAND ON SALE FOR TAXES.

I.....of....., being
treasurer of The.....School District No.....
of the Province of Alberta by virtue of authority to sell lands for arrears
of taxes vested in me by warrant under the hand of the chairman of the
board of trustees of the said school district and the seal of the said board
and by *The School Assessment Ordinance* do hereby in consideration of the
sum of.....dollars paid to me by.....
of.....being the price for which the said land was
sold at a sale by me on the.....day of.....
191...., for arrears of taxes due on the said land to the said school district
transfer to the said.....all that piece of land being
.....In witness whereof I have hereunto
set my hand and the seal of the said board of trustees this.....
day of.....191....

Signed by the above named.....
.....in the presence of
.....

FORM Q.

(See Section 23 (1).)

CERTIFICATE OF REDEMPTION.

This is to certify that the following lands, viz.....
.....as to which an adjudication under the
provisions of section 23 of *The School Assessment Ordinance* bearing date
the.....day of.....was made by His
Honour.....Judge of the District Court of
the Judicial District of.....in the Province of Alberta,
have been under the provisions of the said section redeemed, and the said
lands are therefore discharged and released from the said adjudication and
the effect thereof.

Dated at Edmonton in the Province of Alberta this.....
day of.....191....

.....
Minister of Municipal Affairs.

1913

(SECOND SESSION)

CHAPTER 15

An Act respecting School Grants.

(Assented to October 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The School Grants Act.*"
[1913 (2) c. 15, s. 1.]

2. In this Act unless the context otherwise requires, all words, names and expressions shall have the same meaning as is expressly or impliedly attached to them in *The School Ordinance.*
[1913 (2) c. 15, s. 2.]

GRANTS IN AID OF RURAL EDUCATION.

3. In aid of schools organized and conducted under the provisions of *The School Ordinance* and regulations in that behalf there shall be paid out of any legislative appropriation made for that purpose—

1. To rural districts:

- (a) To each district, the sum of \$1.00 per day for each legally authorized teaching day during which the school is kept open;
- (b) An additional sum of 20 cents per day for each legally authorized teaching day during which the school is kept open in the year of the organization of the school district and the three succeeding years;
- (c) To each district maintaining a graded school with separate rooms for junior and senior pupils, the sum of \$2.00 per day for each legally authorized teaching day during which the senior room is kept open. [1920, c. 13, s. 3.] Provided however that such grant shall not be payable unless the teacher in charge of such room holds qualifications satisfactory to the Department of Education;
- (d) To any such district maintaining more than one room and having in its senior room a daily average attendance of at least six pupils in grades above the eighth as classified by the regulations of the Department in addition to the sums mentioned under subclause (c) above, a special grant of \$1.00 per day for each day such room is kept open; provided that such grant shall not be payable unless provision is made for the education without fees of all non-resident children of such grades who

may apply for admission, and unless the teacher in charge of such room holds qualifications satisfactory to the Department of Education;

- (e) To any such district maintaining more than one room and having its senior room equipped for community uses, a grant of fifty per cent. (50%) of the cost of approved school equipment for such senior room up to a maximum grant of \$250.00;
- (f) To any district maintaining more than one room and providing for the conveyance of pupils in accordance with provisions of The School Ordinance, the sum of \$1.50 per day for each van or conveyance employed to convey pupils to and from school; provided that the van or conveyance employed, the route travelled and the contract with the van driver shall in each case be approved by the Minister before such grant is payable;
- (g) To each district upon its establishment an initial grant of \$15.00;
- (h) To each district whose school attains a minimum grading in its efficiency in respect to grounds, buildings, equipment, government and progress a sum not exceeding 15 cents per day for the first four years after that in which it was erected, and thereafter a sum not exceeding ten cents per day to be paid in proportion to such grading for each day the school is kept open, and such grading shall be based upon the Inspector's report or reports as prescribed by the regulations of the Department:

Provided, however, that the Department may in lieu of such sums as are provided for in subclauses (g) and (h) hereof or any portion of such sums supply to each district for its school library or libraries books of equal value selected from the list authorized by the Department of Education for library purposes or school flags or other equipment approved by the Minister;

- (i) To each district an annual grant of fifty per cent. (50%) of the board's expenditure on improvement and upkeep of a school garden and the value of approved equipment for the teaching of elementary agriculture up to a maximum grant of \$15.00;
- (j) To a teacher of approved qualifications giving instruction elementary agriculture and school gardening, an annual grant of \$25.00;
- (k) To each district an annual grant equal to fifty per cent. (50%) of the value of approved equipment for instruction in manual training and household economics or for equipment for the serving of hot lunches up to a maximum grant of \$15.00 for each;
- (l) To a teacher of approved qualifications giving instruction in manual training or household science, an annual grant of \$20.00;
- (m) To each district that erects a teacher's residence of not less than \$1,000.00 in value according to plans approved by the Department of Education and provides approved

furnishings and maintains such residence and furnishings and the grounds appurtenant to such residence to the satisfaction of an inspector of schools—

- (i) A grant equal to one-third of the value of such residence, grounds and furnishings when the same have been provided without the issue of a debenture;
- (ii) A grant equal to one-third of the value of such residence, grounds and furnishings together with the debenture interest accruing due during the first one-third portion of the total period the debenture has to run when a debenture has been issued to provide such residence, grounds and furnishings, and said grant shall be payable in such annual amounts during the first one-third portion of the period the debenture has to run as may be determined by the Minister;
- (n) To any district maintaining night classes when the courses of study taught and the qualifications of the teacher or teachers employed are approved by the Department of Education, an annual grant equal to fifty per cent. (50%) of the cost of tuition up to a maximum grant of \$100.00; provided that no grant under this clause will be paid unless such night classes are in operation for at least two months between the first of October and the first of May of the following year.

GRANTS IN AID OF ELEMENTARY EDUCATION IN VILLAGES AND TOWNS.

2. To village and town districts for all grades up to and including grade eight as classified by the regulations of the Department:

- (a) To a district in which the number of teachers employed does not exceed 40, the sum of \$1.00 for each day the school is kept open;
- (b) To a district in which the number of teachers employed is between 41 and 100 inclusive, the sum of 80 cents for each day the school is kept open;
- (c) To any district in which the number of teachers employed is more than 100, the sum of 60 cents for each day the school is kept open;
- (d) To any district having in its senior room a daily average attendance of at least six pupils in grades above the eighth as classified by the regulations of the Department and not maintaining one or more rooms exclusively for such grades, in addition to the sum mentioned under subclause (a) above the sum of \$2.00 per day for each day such room is kept open; provided that such grant shall not be payable unless provision is made for the education without fees of all non-resident children of such grades who may apply for admission and unless the teacher in charge of such room holds qualifications satisfactory to the Department of Education.

- (e) To any town district maintaining one or more rooms exclusively for the training of subnormal pupils and having a special teacher or special teachers whose qualifications have been approved by the Minister of Education, an annual grant of 50% of the salary of such teacher or teachers. [1920, c. 13, s. 3.]

GRANTS IN AID OF ELEMENTARY EDUCATION IN
CONSOLIDATED DISTRICTS.

3. To consolidated school districts for all grades up to and including grade eight as classified by the regulations of the Department—

- (a) The total amount of the grant which in the estimation of the Minister would have been earned by each of the districts within the consolidated district if each of such districts had been conducting school for the number of days that the school of the consolidated district is kept open;
- (b) To any consolidated district having in its senior room a daily average attendance of at least six pupils in grades above the eighth as classified by the regulations of the Department, and not maintaining a room exclusively for such grades, a total grant of \$3.00 per day for each day such room is kept open; provided, however, that such grant shall not be payable unless provision is made for the education without fees of all non-resident children of such grades who may apply for admission and unless the teacher in charge of such room holds qualifications satisfactory to the Department of Education;
- (c) To any consolidated school district, the sum of \$1.50 per day for each van or conveyance employed by the district to convey pupils to and from school; provided that the van or conveyance employed, the route travelled and the contract with the van driver shall in each case be approved by the Minister before such grant is payable;
- (d) To each consolidated district which has provided by purchase an approved motor conveyance, in addition to the amount provided under the next preceding subclause, a special grant of \$1.00 per day for each day such motor conveyance is employed in the conveyance of pupils to and from school;
- (e) To each consolidated district the board of which has made arrangements with the parents or guardians for the conveyance of the children of isolated families in accordance with the provisions of The School Ordinance, such amount as may be determined by the Minister;
- (f) To each consolidated school district having its senior room equipped for community uses a grant of fifty per cent. (50%) of the cost of approved school equipment for such senior room up to a maximum grant of \$250:
- Provided always that the provisions of subclause (m) of clause 1 hereof shall also apply to consolidated districts.

GRANTS IN AID OF SECONDARY EDUCATION.

4. To village, consolidated and town districts for grades above the eighth as classified by the regulations of the Department—

- (a) To each district in which the number of teachers employed does not exceed 12 and which maintains one or more rooms exclusively for pupils in grades above the eighth and having a daily average attendance of not less than 15, the sum of \$2.00 per day for each legally authorized teaching day that the school is kept open;
- (b) To a district in which the number of teachers employed exceeds 12 and which maintains one or more rooms exclusively for pupils in grades above the eighth and having a daily average attendance of not less than 15, the sum of \$1.50 per day for every day the school is kept open;
- (c) To each district maintaining one or more rooms exclusively for pupils in grades above the eighth having a daily average attendance of not less than 15 and providing facilities for the education without fees of all non-resident children of such grades, who may apply for admission, in addition to the sums mentioned under subclauses (a) and (b) above, a special grant of \$1.50 per day for each day school is kept open.

GRANTS IN AID OF TECHNICAL EDUCATION.

5. To any district employing more than 30 teachers and providing instruction in household economics, manual training, commercial work, music, art or technical subjects:

- (a) An annual grant equal to 40% of the salaries of approved teachers giving instruction in commercial, technical or industrial subjects, the grant not to exceed six hundred dollars (\$600.00) for any teacher so employed;
- (b) An annual grant equal to 20% of the salaries of approved teachers giving instruction in household economics, manual training, music or art, the grant not to exceed three hundred dollars (\$300.00) for any teacher so employed. [1920, c. 13, s. 3.]
- (c) A grant equal to twenty-five per cent. of the expenditure on approved equipment especially provided in any year for instruction in commercial work, technical or industrial subjects; the grant not to exceed four thousand dollars (\$4,000.00) in any year. [1920, c. 13, s. 3.]

5a. To any district employing fewer than thirty teachers and providing instruction in household economics, manual training, commercial work, music, art or technical subjects:

- (a) An annual grant equal to 50% of the salaries of special teachers giving instruction in these subjects whose qualifications have been approved by the Department, up to a maximum grant of twelve hundred dollars (\$1,200.00). In the case of such special teachers giving part-time instruction in such subjects the amount of

the grant payable will be based upon the proportion of time of such teachers devoted to instruction in these subjects;

- (b) A grant equal to 50% of the expenditure on approved equipment especially provided in any year, and used in giving instruction in such subjects, up to a maximum grant of twelve hundred dollars (\$1,200.00).

[1920, c. 13, s. 3.]

6. When any two or more districts have entered into an agreement under the provisions of section 95c of The School Ordinance for the purpose of providing instruction in manual training, household economics or commercial work:

- (a) An annual grant equal to fifty per cent. (50%) of the salaries and travelling expenses of teachers of approved qualifications giving instruction in such subjects up to a maximum grant of \$2,000.00; provided that the Minister may apportion the payment of such grant among the districts having entered into such agreement;
- (b) A grant equal to fifty per cent. (50%) of the cost of approved equipment for the first equipment provided to give instruction in such subjects up to a maximum grant of \$1,000.00;
- (c) An annual grant of fifty per cent. (50%) of the cost of all additional equipment provided for giving instruction in such subjects after the first equipment up to a maximum grant of \$100.00 a year;
- (d) When in any of the above mentioned districts the Board of School Trustees has provided efficient instruction in music or art, throughout the grades, by one of its regular teachers or a special teacher, whose qualifications are approved by the Department of Education, an annual grant of \$50.00 to each teacher giving instruction in such subjects, who has been teaching in the district for one year; provided that in case such teacher has been employed in the district for less than a year a proportional amount of such grant may be paid on the recommendation of an inspector of schools.

7. To any district having one or more graded schools where the Board of School Trustees has provided efficient instruction in either household economics, manual training, music or art, throughout the grades, by one of its regular teachers whose qualifications are approved by the Department:

- (a) A grant of fifty per cent. (50%) of the value of approved equipment used in giving instruction in such subjects up to a maximum grant of \$250.00; and
- (b) An annual grant of \$50.00 to each teacher giving instruction in any one of such subjects who has been teaching in the district for one year; provided that in case such teacher has been employed in the district for less than one year a proportional amount of such grant may be paid on the recommendation of an inspector of schools.

8. To any village, consolidated, or town district not employing more than thirty teachers:

- (a) When night class instruction in the ordinary school subjects only is given by teachers of approved qualifications an annual grant equal to fifty per cent. (50%) of the cost of tuition up to a maximum grant of \$200.00;
- (b) When approved instruction in vocational and technical subjects in addition to ordinary school subjects is given, an annual grant equal to sixty per cent. (60%) of the cost of tuition up to a maximum grant of \$250.00.

9. To any district employing more than thirty teachers, an annual grant equal to forty per cent. (40%) of the cost of tuition in approved night class instruction up to a maximum grant of \$1,500.00.

10. To any village, consolidated or town district giving approved instruction in science and agriculture and related school gardening, an annual grant of fifty per cent. (50%) of the board's expenditure on improvement and upkeep of a school garden and the value of approved equipment for such instruction up to a maximum grant of \$100.00.

11. To any village, consolidated or town district employing not more than thirty teachers, a sum not exceeding 5 cents per day and to any such district employing more than thirty teachers, a sum not exceeding 3 cents per day for each day the school is kept open to be paid in proportion to grading as based upon the inspector's report or reports as prescribed by the regulations or the Department; provided, however, that the Department may in lieu of such sum or sums as are provided for in this subclause or any portion thereof supply to each of such districts for its school library or libraries books of equal value selected from the list authorized by the Department of Education for library purposes, or school flags or other equipment approved by the Minister.

12. To each district providing means of conveyance for the children of the district to the school of another district under the provisions of section 165 of The School Ordinance such amount as the Minister may determine but not to exceed the amount the district would have earned had it kept its own school open for the number of days such conveyance was used with a minimum attendance of five:

Provided, however, that where a separate school district has been established within the area of a public school district, such public and separate school districts shall for the purpose of classification under clauses 2, 4, 5, 8, 9, and 11 above, be deemed to be one district only, but in apportioning the grant payable to the public and separate schools respectively there shall be no discrimination:

Provided further, that the increase in the number of teachers employed in the schools of any town or city shall not have the effect of reducing the total amount of grant payable to the schools in such town or city; and where a separate school district has been established within the area of a public school district the total amount payable to the schools of such public and separate

school districts shall be divided between the two districts in proportion to the number of teachers employed in each.

[1913 (2), c. 15, s. 3; 1914, c. 13, s. 4; 1919, c. 39, s. 3;
1919, c. 32, s. 3 (1); 1920, c. 13, s. 3.]

4. The Minister of Education may in aid of any school organized and conducted under the provisions of The School Ordinance in a district in which land held under grazing lease or permit from the Government of Canada is situate, direct the Provincial Treasurer to pay to such school out of the moneys received by him under the provisions of section 17a of *The Educational Tax Act* such sum or sums as he may think fit not exceeding the amount which would be levied on said land if not exempt from taxation.

[1913 (2) c. 15, s. 4; 1914, c. 13, s. 4; 1916, c. 9, s. 4;
1919, c. 32, s. 3 (2).]

5. No grant shall be paid to any district under the provisions of section 3 hereof unless an average attendance of five is maintained in its school for the term immediately preceding the time when the payment of the grant may be due:

Provided, however, that upon the recommendation of an inspector a district whose school has not maintained an average attendance of five for any term may be paid a grant the amount of which shall bear the same proportion to the amount which would have been paid had the said average been maintained that the actual average attendance for the term bears to five.

[1913 (2) c. 15, s. 5; 1914, c. 13, s. 4; 1919, c. 32, s. 3 (2).]

6. Any and every amount payable to any district under section 3 hereof shall not, unless otherwise provided, be payable for more than 200 days in any calendar year.

[1913 (2), c. 15, s. 6; 1914, c. 13, s. 4; 1919, c. 32, s. 3.]

7. In any district where more than one teacher are employed each room shall rank as a district under the provisions of clauses 1, 2, 3, 4 and 11 of section 3 hereof, when the average attendance of the whole school shall at least equal twenty pupils to each teacher employed or when the employment of teachers in such numbers as to reduce such average attendance below twenty has been made on the recommendation in writing of an inspector.

[1913 (2) c. 15, s. 7; 1914, c. 13, s. 4; 1919, c. 32, s. 3 (2).]

8. Payments may be made in respect of the amounts earned under clauses 1, 2, 3, or 4 of section 3 hereof at the end of the school term ending on the 30th day of June and the 31st day of December in each year on receipt of the returns hereinafter provided and on receipt of the treasurer's bond and the teacher's agreement as provided in *The School Ordinance* and such other returns as may be required by the Minister; provided that from and after the first day of January, 1919, all grants made under this Act may be paid at the end of the calendar year.

[1913 (2) c. 15, s. 8; 1918, c. 39, s. 3; 1919, c. 32, s. 3.]

9. In case the school of any district is open during only a portion of the year payment may be made to such district in

respect to the amounts earned under clauses 1, 2, 3 or 4 of section 3 hereof as soon as the school closes for the year on receipt of the returns, bond and agreement mentioned in the next preceding section. [1913 (2) c. 15, s. 9; 1919, c. 32, s. 3 (5).]

10. When the return of the treasurer of any district as hereinafter provided shows that the district is indebted to any teacher with respect to salary the grant payable to such district under clauses 1, 2, 3 or 4 of section 3 hereof such portion of it to the amount of such indebtedness shall be paid proportionately to such teacher or teachers. [1913 (2) c. 15, s. 10; 1919, c. 32, s. 3 (6).]

11. The grant earned by any district under subclause (h) of clause 1 and clause 11 of section 3 hereof shall be paid to such district at the end of the school year and in case the school of any district is not inspected during the year the district shall be paid for such year such grant as it may be entitled to upon the basis of the grading its school attains on the first inspection in the following year. [1913 (2) c. 15, s. 11; 1919, c. 32, s. 3 (7).]

12. Any district whose school has been closed on account of the absence of the teacher in attending a teachers' institute or convention held under the regulations of the department shall be entitled to all grants as if the school had been actually in operation during such period. [1913 (2) c. 15, s. 12.]

13. If in any district the school has been closed by the written order of a duly qualified medical practitioner on account of the prevalence within the district of any disease the Lieutenant Governor in Council may pay grants in respect of such days as the school has been closed but in no case shall such grants be paid for more than thirty teaching days in the calendar year. [1913 (2) c. 15, s. 13.]

14. The Lieutenant Governor in Council may order the payment of a special grant to any school whether organized according to law or not and the Minister shall have the authority to order the payment of a special grant to any school district upon an inspector of schools certifying to the fact that owing to the conditions prevailing it would be very difficult for the district to operate a school without such special grant. [1913 (2) c. 15, s. 14; 1918, c. 39, s. 3 (6).]

15. The secretary, treasurer and teacher of every district shall at the end of each school term forward to the Minister such statements respecting the school and district as are necessary to enable him to apportion the grants to which it may be entitled under this Act and such statement shall be verified by declaration and shall be in form prescribed by the Minister. [1913 (2) c. 15, s. 15.]

16. The Minister shall have authority to cancel the grant or any portion thereof payable to any district that fails to comply with the provisions of this Act, *The School Ordinance*, *The School Assessment Ordinance*, or *The School Attendance Act* or any of the regulations of the Department of Education. [1913 (2) c. 15, s. 16; 1915, c. 10, s. 4; 1918, c. 39, s. 3 (7).]

17. In town districts supervisors of physical culture and kindergarten instructors whose qualifications and appointment are approved by the Minister shall, for the purposes of this Act, rank as teachers. [1913 (2) c. 15, s. 17; 1919, c. 32, s. 3 (8).]

18. *The School Grants Ordinance* and amendments thereto is hereby repealed. [1913 (2) c. 15, s. 18; 1919, c. 32, s. 3.]

19. This Act shall come into force on the first day of January, 1914. [1913 (2) c. 15, s. 19; 1919, c. 32, s. 3.]

THE EDUCATIONAL TAX ACT

(OFFICE CONSOLIDATION)

Being Chapter 18 of the Statutes of Alberta, 1907, An Act respecting the Taxation of Land for Educational Purposes.

(With amendments up to and including April 10, 1920)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Educational Tax Act.*"

2. Save as in the next following section provided, all land within the province not exempt from taxation by the province, shall be taxed one and one-quarter cents per acre; and every occupant of land exempt from taxation by the province, shall be taxed one and one-quarter cents per acre in respect of his interest therein; provided, however, that any occupant of land held under grazing lease or permit from the Government of Canada shall be taxed in an amount not exceeding one cent and one-half per acre; and provided further, that in any case the taxes levied on or in respect of any lot containing at least one acre in any subdivision or plan or on or in respect of any fraction of a section containing at least one acre shall be at least fifty cents, and that the taxes levied on or in respect of any lot containing less than one acre in any subdivision or plan or on or in respect of any fraction of a section containing less than one acre shall be at least twenty-five cents. [1914, c. 12, s. 1; 1918, c. 4, s. 35.]

Provided also that the Minister may compromise upon such terms as may be agreed upon for payment of arrears of taxes on lands which have been subdivided under a plan registered at the land titles office. [1916, c. 3, s. 35.]

(2) On, from and after January 1st, 1921, all taxes levied under this Act shall be levied at the rate of one mill in the dollar of the assessed value of all assessable land, and the incidence, method of assessment, collection and enforcement of the taxes so levied shall follow and be regulated by the provisions of *The Wild Lands Tax Act*, including therein all provisions as to penalties, liens, distress and forfeiture proceedings in so far as the provisions of the said Act pertain to lands outside of the boundaries of municipal districts; provided, however, that the provisions of this section as to a minimum tax and the taxation of leased lands shall still apply. [1919, c. 33, s. 1; 1920, c. 4, s. 32 (1).]

3. The exemptions from taxation under the provisions of this Act shall be—

(1) Lands included within any organized school district, except the interest of any person in land held under grazing lease or permit from the Government of Canada.

(2) All lands held by or in trust for the use of any tribe of Indians;

(3) The land to the extent of one acre held by or for the use of any church and occupied by a building used for church purposes;

(4) The land in use as a public cemetery, not exceeding twenty-five acres;

(5) The land used as a right-of-way for any irrigation canal or ditch;

(6) The occupant of any enclosed land held under hay permit;

(7) The occupant of any land for which homestead entry has been made under the provisions of *The Dominion Lands Act* or of any Act substituted therefor for a period of four years after the making of homestead entry. [1914, c. 12, s. 2.]

4. The assessment hereinafter provided for shall, except in the case of lands situate in a municipal district, be made by the Department of Municipal Affairs, which shall issue all notices of assessment and levy and collect all such taxes. Where lands are situate in a municipal district, such assessment shall be made and the notices of assessment issued by the municipal district, which shall levy and collect such taxes in the same manner as municipal taxes are levied and collected.

(2) A commission shall be paid to each municipal district of two and one-half per cent. of the amount actually collected by it under the provisions of this Act. The money so collected shall be paid to the Minister of Municipal Affairs on the first day of the month next following the date of collection and shall be accompanied by a statement showing the several amounts collected from occupants of land held under grazing lease or permit from the Government of Canada. [1918, c. 4, s. 1.]

(3) On or before the second day of January in each year every municipal district shall forward to the Minister of Municipal Affairs a report respecting assessment and taxation under this Act, showing—

(a) Arrears of taxes at the beginning of the preceding year;

(b) The amount of the assessment for the preceding year;

(c) The amount collected and forwarded to the Minister of Municipal Affairs during the preceding year; and

(d) The amount of arrears at the close of the preceding year. [1915, c. 2, s. 4.]

5. On or before the first day of July in each year an assessment roll shall be prepared, upon which shall be entered as accurately as may be the following information with respect to lands or occupants subject to taxation under this Act:

(a) Each lot or parcel of land owned or occupied, and the number of acres it contains;

- (b) The name and post office address of the person assessed as owner or occupant of each lot or parcel;
 - (c) The amount of assessment;
 - (d) The amount of previous assessments which have not been paid.
- [1914, c. 12, s. 4.]

6. If after reasonable inquiry the name or address of the owner or occupant of any lot or parcel of land cannot be ascertained the same shall be deemed to be duly assessed if entered on the roll as "Owner unknown" or "Address unknown" as the case may be.

7. Upon the completion of the assessment roll it shall be signed by the Minister of Municipal Affairs, and a notice shall then be sent by ordinary mail to each person whose name appears on the roll, stating the land in respect to which such person is assessed, the amount of such assessment, and requesting payment of the same, and entry upon the assessment roll of the date of mailing such notices together with the initials of the clerk mailing the same, shall be *prima facie* evidence that the notice was duly mailed on that day.

8. If any property in respect of which any person should have been assessed has been omitted from the assessment roll or has been entered on the roll in the name of the wrong person, or with an incorrect acreage, the necessary addition or alteration to correct the error may be made at any time in the year in which such assessment is made, such addition or alteration being initialed by the Minister, and a notice of assessment in accordance with such addition or alteration shall forthwith be sent to the owner or occupant of the property affected thereby.

9. The taxes accruing upon, or in any respect of any land under the provisions of this Act shall be a debt, and shall be payable in cash, and shall be a special lien upon such land having priority over any claim, lien, privilege or encumbrance thereon, except claims of the Crown and local improvement and irrigation district taxes.

(2) In the event of any taxes remaining unpaid after the fifteenth day of December of the year in which the same were levied there shall be added thereto as a penalty an additional sum amounting to five per centum of such taxes. A further penalty of five per centum shall be likewise added to any such taxes remaining unpaid on the first day of July next following, and on the sixteenth day of December and the first day of July in each year thereafter a further penalty of five per centum of the amount remaining unpaid shall be so added. All penalties so added shall be recoverable in the same manner as, and along with the taxes in respect to which they are so added.

[1918, c. 4, s. 1.]

(3) All taxes or arrears of taxes due hereunder may be recovered by suit in the name of the Minister of Municipal Affairs, in which case the assessment roll shall be *prima facie* evidence of the indebtedness of the person assessed therefor.

(4) Where a penalty of five per cent. is added, under the provisions of this section, it shall be five per cent. of the arrears of taxes and of the penalties, if any, already added.

[1919, c. 33, s. 3.]

10. In case any ratepayer neglects or refuses to pay his taxes due upon or in respect of any land by virtue of this Act for two months after the mailing of the notice provided for by section 7 thereof the Minister of Municipal Affairs may by his agent levy the same with costs by distress of the goods and chattels of the person who ought to pay the same, or of any goods and chattels in his possession, wherever the same may be found in the province, or of any goods and chattels found on the premises the property of or in the possession of any other occupant of the premises and may impound the same on the premises where distrained, and no claim of property, lien or privilege shall be available to prevent the same, or payment of the taxes and costs out of the proceeds of the sale thereof. [1914, c. 12, s. 5.]

11. The Minister shall during the month of January in each year prepare a separate statement, to be known as "the tax enforcement return," and the said Minister shall enter in such return the following information in the columns provided for the purpose:

- (a) The name and post office address of each person whose name appears on the last revised assessment roll and who has not paid all taxes due by him thereunder for the year next preceding the preparation of the said roll, or for any former year. [1911-12, c. 4, s. 27.]
- (b) A description of each lot or parcel of land for or in respect of which each such person is assessed. [1914, c. 12, s. 6.]
- (c) A statement of the taxes due by each such person on each lot or parcel of land for which he is assessed, including the taxes of the next preceding year and showing the years for which all such taxes were levied. [1911-12, c. 4, s. 27.]

11a. The said return shall for all purposes be *prima facie* evidence of the validity of the assessment and imposition of the taxes, as shown therein, and that the steps and formalities prescribed by this Act have been taken and observed.

[1911-12, c. 4, s. 27.]

12. On application by the Attorney General or some advocate authorized by him to a judge of the District Court of the judicial district within which such lands are wholly or partly situated, or if such lands are situated within more than two judicial districts to the judge of the District Court of any of such judicial districts, such judge may appoint a time and place for the holding of the court for confirmation of the return mentioned in the preceding section, notice of which shall be published in every issue of the official gazette for two months, and once each week for at least eight weeks in a local paper published in the vicinity of the lands entered on such return to be named by the Minister of Municipal Affairs. [1911-12, c. 4, s. 27.]

(2) A notice of the time and place fixed for confirmation of such returns shall be sent by registered mail at least sixty days prior to the time so fixed to each person who appears by the records of the proper land titles office or by the said return to have any interest in the lands mentioned in the said return in

respect of which confirmation is desired, and whose post office address is shown by said records of return; and the entry against such lands of the date of mailing such notice together with the initials of the Minister of Municipal Affairs shall without proof of the appointment or signature of the said Minister be *prima facie* evidence that the required notice has been mailed.

13. At the time and place so appointed the judge shall hear the application and also any objecting parties and the evidence adduced before him; and thereupon adjudge and determine whether or not the taxes imposed respectively upon each parcel of land included in the return were either wholly or in part in default, and report the adjudication to the said Attorney General; and shall also confirm the return as to these parcels on which any taxes are determined to be in arrears for over two years, naming the amounts severally and adding thereto a reasonable amount for the expense of advertising, together with such sum as he may fix for costs of the application; and the effect of such adjudication shall be to vest in the Crown for the public use of the province the said lands, subject, however, to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by the payment to the Minister of Municipal Affairs of the amounts named, including expenses as aforesaid together with a redemption fee of five cents for each and every acre in the parcel so redeemed; but no such redemption fee shall be less than two dollars:

Provided that the Minister of Municipal Affairs may upon such terms as seem to him to be just allow redemption after the expiration of the said period of one year:

Provided also that notwithstanding the above provision as to redemption fee the Minister may compromise upon such terms as may be agreed upon for the payment of the redemption fees.

[1916, c. 3, s. 35.]

(2) For the purpose of this section all taxes shall be held to be due on the first day of January of the calendar year within which the same are imposed.

(3) In the event of any person successfully opposing confirmation of the said return as to land in which he is interested, the judge may order an allowance to him as witness fees to be paid by the province.

(4) A copy of such adjudication certified by the Minister of Municipal Affairs shall be forwarded to the registrar of land titles of the land registration district in which the lands named in the adjudication or any of them are situated; and such copy shall be notice to the public of the facts contained therein.

14. If any person interested in any parcel of land contained in the return presented to the judge for confirmation as provided by section 12 of this Act pays the taxes upon such land before the date fixed for confirmation of such return, but after such date has been fixed he shall in addition to the amount of taxes shown by such return, to be overdue, pay the sum of \$1 for each quarter section or portion thereof in view of the cost of application to the judge and advertising and postage in connection with such proceedings.

15. At any time after the expiration of the year last named on *ex parte* application by the Attorney General or some advocate authorized by him and production of the last named adjudication together with a certificate of the Minister of Municipal Affairs showing that the land has not been redeemed the judge by order in chambers may direct that the title to such of the land named in the adjudication as has not been redeemed by the owner, be absolutely vested in His Majesty freed from all liens, mortgages and incumbrances of whatever nature and kind the same may be.

16. Upon the Minister of Municipal Affairs being satisfied that any lands assessed hereunder for any year have been included in any organized school district and assessed for school purposes therein, for the same year, the said Minister may cancel the assessment made hereunder for the said year and direct that any moneys received by the Department of Municipal Affairs by virtue of such assessment be refunded.

[1910 (2nd Session), c. 2, s. 20; 1915, c. 2, s. 4.]

(2) This section shall apply to taxes imposed before as well as after the passing of this amendment.

[1910 (2nd Session), c. 2, s. 20.]

16a. Upon the Minister of Education being satisfied that any organized school district has failed or ceased to operate a school therein, the Lieutenant Governor in Council may by order declare the lands within such school district to be subject to taxation hereunder, and upon such order being made and notice thereof published in *The Alberta Gazette*, the land included in such school district shall be subject to taxation in the same way and to the same extent as though it were not included in an organized school district, until such time as the said order is rescinded by the Lieutenant Governor in Council [1910 (2nd Session), c. 2, s. 20.]

17. The moneys levied under this Act shall be paid to the Provincial Treasurer as collected; provided, however, that any expense incidental to the assessment, levy and collection of the taxes hereunder shall first be deducted therefrom.

[1911-12, c. 4, s. 27; 1914, c. 12, s. 7.]

17a. All of the moneys received by the Provincial Treasurer under the provisions of the last preceding section in respect of the taxes levied and collected under an assessment and levy made during the year 1915, or in any year thereafter, on land held under grazing lease or permit from the Government of Canada, shall be deposited by him in the general revenue fund as a special account and shall be expended by him from time to time under the direction of the Minister of Education in accordance with the provisions of section 3b of *The School Grants Act*.

[1916, c. 3, s. 35.]

17b. All moneys now in hand, and all moneys received by the Provincial Treasurer under the provisions of section 17, other than moneys to be deposited in the trust fund created by the provisions of the next preceding section, shall be dealt with as provided by *The Treasury Department Act*.

[1914, c. 12, s. 8.]

18. The Provincial Auditor shall see that all moneys collected under this Act are deposited and disbursed as provided for in this Act.

(2) The Provincial Auditor or his nominee may audit and shall have the right to audit and inspect all accounts of every municipal district in so far as they relate to assessment and taxation under this Act, and shall have access to all books, papers, receipt-stubs, vouchers and other documents containing any references or entries concerning the said assessment and taxation.

[1914, c. 12, s. 9; 1919, c. 33, s. 2.]

Provided, however, that the Provincial Treasurer may require that the audit and inspection herein provided for be made by the auditor of each municipal district, and that a report of such audit be forwarded to him not later than the first day of March in each year.

[1919, c. 33, s. 4.]

19. In this Act unless the context otherwise provides—

1. "Owner" includes any person who has any right, title or estate whatsoever or any interest other than that of a mere occupant in any land;

2. "Occupant" includes the inhabitant occupier of any land, or if there be no inhabitant occupier, the person entitled to the possession thereof, and the lease-holder or holder under agreement for lease and holder under agreement for sale and any person having or enjoying in any way or for any purpose whatsoever the use of the land;

3. "Ratepayer" means any owner or occupant of land who is over eighteen years of age;

4. "Land," "lands" or "real property" includes lands, tenements and hereditaments and any estate or interest therein.

1910

(SECOND SESSION)

CHAPTER 8

THE SCHOOL ATTENDANCE ACT

(Assented to December 16, 1910.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The School Attendance Act.*"
[1910 (2), c. 8, s. 1; 1916, c. 9, s. 3.]

2. In this Act—

- (a) "Inspector" shall mean an Inspector of Schools;
- (b) "Principal" shall mean the head teacher of a public, or separate school; [1913 (2), c. 16, s. 3 (1).]
- (c) "Regulations" shall mean regulations made under the authority of the Department of Education;
- (d) "School" shall mean a public or a separate school; [1913 (2), c. 16, s. 3.]
- (e) "City or town school district" shall mean and include a town school district as defined by *The School Ordinance*;
- (f) "Minister" shall mean the Minister of Education for the Province of Alberta.
[1910 (2), c. 8, s. 2; 1913 (2), c. 16, s. 3.]

3. Every child who has attained the age of seven years and who has not yet attained the full age of fifteen years shall attend school for the full term or terms during which the school of the district in which he resides is open each year or in case such district operates more than one school then for the full term or terms during which the school therein which he has the right to attend is open each year unless excused for the reasons hereinafter mentioned:

Provided, however, that if the board of any district has under the provisions of *The School Ordinance* entered into an agreement with the board of another district for the education of its children the school of such last mentioned district shall be deemed to be the school of the district in which such children reside for the purposes of this section. [1910 (2), c. 8, s. 3; 1919, c. 32, s. 4 (1).]

4. A person who has received into his house another person's child under the age of fifteen, who is a resident with him or is in his care or legal custody, shall be subject to the same duty with

respect to the instruction of such child during such residence as a parent, and shall be liable to be proceeded against as in the case of a parent, if he fails to cause such child to be instructed as required by this Act; but the duty of the parent under this Act shall not be thereby affected or diminished.

[1910 (2), c. 8, s. 4; 1915, c. 10, s. 3 (2).]

5. A parent, guardian or other person shall not be liable to any penalty imposed by this Act in respect of a child if—

- (a) In the opinion of a school inspector, as certified in writing, bearing date within one year prior to the date of any complaint laid under this Act, the child is under efficient instruction at home or elsewhere;

[1913 (2), c. 16, s. 3 (2).]

- (b) The child is unable to attend school by reason of sickness or other unavoidable cause;

- (c) If the nearest public or separate school which the child has the right to attend is more than two and one-half miles distant from the nearest boundary of the quarter section or lesser parcel of land upon which the child resides measured by the nearest highway from such child's residence if he is under ten years of age:

Provided, however, that this clause shall not apply and no child shall be excused from attendance on account of distance from school in the case of pupils of a consolidated district or other district where conveyance has been provided or arrangements made with the parents or guardians for the conveyance of pupils of isolated families in accordance with the provisions of *The School Ordinance*;

Provided further that in computing distances for the purpose of this Act the Dominion Lands Survey shall be accepted as final and conclusive and all sections of land shall be deemed to be one mile square and no more and the width of road allowances shall be excluded from the computation and distance from school shall be deemed to mean the distance from the nearest boundary of the school site on which the school in question is situated.

[1910 (2), c. 8, s. 5 (c); 1919, c. 32, s. 4 (2).]

- (d) There is not sufficient accommodation in the school which the child has the right to attend; or

[1913 (2), c. 16, s. 3.]

- (e) The child has passed the Grade VIII examination prescribed by the Department of Education or has completed a course which gives him an equivalent standing and the district in which the child resides does not provide instruction in its school or schools for pupils above Grade VIII as classified by the regulations of the Department of Education.

[1918, c. 39, s. 4 (2).]

- (f) The child has attained the full age of fifteen years and is regularly employed during school hours in some useful occupation. [1910(2), c. 8, s. 5; 1915, c. 10, s. 3 (3).]

6. No child under the age of fifteen years who has not a valid excuse under this Act shall be employed by any person

during school hours while the public school of the district in which the child resides is in session, and any person who employs a child in contravention of this section shall incur a penalty not exceeding twenty dollars for each offence. [1919, c. 32, s. 4 (3).]

(2) Where in the opinion of a justice of the peace, police magistrate, commissioner of the juvenile court or principal of the school attended by any child the services of such child are required in husbandry or in urgent and necessary household duties, or for the necessary maintenance of such child or of some person dependent upon him, such justice, police magistrate, commissioner of the juvenile court or principal upon application in writing being made by the parent or guardian of such child may by certificate setting forth the reasons therefor relieve such child from attending school for any period not exceeding six weeks during each public school term. [1918, c. 39, s. 4 (4); 1919, c. 32, s. 4 (4).]

Provided, however, that such certificate if granted by a commissioner of the juvenile court shall be granted by such commissioner in open court only and upon two days' notice of the application therefor being given to the secretary or attendance officer of the district in which the child resides.

[1910 (2), c. 8, s. 6; 1919, c. 32, s. 4 (5).]

7. The school board of every city or town school district shall appoint, control and pay one or more attendance officers for the enforcement of this Act and notice of such appointment shall be forthwith given in writing to the Department of Education.

[1916, c. 9, s. 3.]

(2) The Minister may from time to time appoint such attendance officer or officers as may be required for the enforcement of this Act in districts that are not included within any city or town school district and may provide for the remuneration of such attendance officer or officers either by the school districts affected or by the Department of Education as the Minister in his discretion may see fit and may make such rules not inconsistent with the provisions of this Act for the direction of such attendance officer or officers and the enforcement of this Act. The Minister may also appoint officers to be known as provincial attendance officers, and a chief attendance officer, all of whom shall have jurisdiction in all parts of the province and the duties of such attendance officers may be defined and their remuneration fixed by the Minister. [1916, c. 4, s. 3; 1916, c. 9, s. 3; 1913 (2), c. 16, s. 3.]

(3) In the event of no appointment having been made as provided by subsection (1) of section 7 hereof before the first day of February in any year, the Minister may appoint such attendance officer or officers as he may deem necessary and fix the remuneration which shall be paid by the school district affected and notice of such appointment shall be given in writing to the school board.

[1916, c. 9, s. 3.]

(4) An attendance officer shall for the purposes of this Act be vested with the powers of a peace officer, and shall have authority to enter theatres, playhouses, places of public entertainment and amusement, factories, workshops, stores, shops and all other places where children may be employed or congregated and to perform such duties as may be necessary for the enforcement of this Act.

[1916, c. 9, s. 3.]

(5) The board making the appointment may make rules, not inconsistent with the provisions of the Act or with the regulations, for the direction of the attendance officer or officers and the enforcement of the Act, such rules to be subject to the approval of the Minister. [1916, c. 9, s. 3.]

(6) In the event of any board failing to make rules and to submit the same to the Minister for approval as provided in the next preceding subsection, the Minister may make such rules as he may deem necessary, and the same shall have the same force and effect as if made by the board.

(7) Notice of every appointment made under this Act shall be given by the body making such appointment to the inspector within whose inspectorate the attendance officer has jurisdiction. [1916, c. 9, s. 3.]

(8) Every attendance officer shall report monthly to the body appointing him as well as to the department, according to the forms prescribed by the regulations. [1916, c. 9, s. 3.]

(9) Every inspector shall inquire into the conditions existing in all districts under his supervision not included within any city or town school district, with respect to the observance of the provisions of this Act and he shall report to the Minister from time to time as the latter may direct.

[1910 (2), c. 8, s. 7; 1911-12, c. 4, s. 36 (2b).]

8. It shall be the duty of every attendance officer to examine into all cases of violation of this Act which may come within his knowledge, or be brought to his attention, and except as herein-after provided, to warn one of the parents or the guardian of any children not complying with the provisions of this Act by notice in writing in form provided in schedule A hereto, and generally to enforce the provisions of this Act.

[1916, c. 9, s. 3; 1919, c. 32, s. 4 (6).]

(2) An attendance officer appointed under this Act shall have the right to send a child suspected of truancy either home or to school and to accompany him thereto if deemed necessary.

[1916, c. 9, s. 3.]

(3) The notice provided for in this section may be served by registered letter, postpaid, delivered at any post office and addressed to the party at the post office situated nearest to his or her place of residence, and the production of an affidavit in the form provided in schedule B hereto of the person posting the said letter to which are attached and marked as exhibits the registration receipt from the post office where the said letter was registered and a copy of said notice shall be *prima facie* evidence that such notice was duly received by the party to whom the same was addressed within four days after the posting and registration of the same.

[1910 (2), c. 8, s. 8; 1914, c. 13, s. 3; 1918, c. 39, s. 4 (5).]

9. Any parent, guardian or other person having the charge or control of any person between the ages mentioned in section 3 of this Act, who within five days after having been notified as provided in the preceding section neglects or refuses to cause such child to attend school and continue in regular attendance thereat unless such child be excused from attendance as provided by this

Act shall upon summary conviction be subject to a penalty not exceeding \$10 for a first offence, \$25 for a second offence, and \$50 for a third or every offence subsequent to a second offence, and in default to imprisonment for a term not exceeding ten days.

[1913 (2), c. 16, s. 3; 1920, c. 13, s. 4 (1).]

Provided, however, that if any parent, guardian or other person as aforesaid has been served with a notice as provided in the preceding section it shall not be necessary within a period of twelve months thereafter to serve such parent, guardian or other person with any other notice because of any further non-compliance with the provisions of this Act; and if such parent, guardian or other person within the said period of twelve months fails to cause the same child or any other child of whom he has charge or control between the ages mentioned in section 3 of this Act to attend school and continue in regular attendance thereat as required by this Act, such parent, guardian or other person shall be liable to prosecution and subject to the penalties imposed under this section as fully and completely as if he had been served with notice in every case.

[1919, c. 32, s. 4 (7).]

(2) The justice of the peace or police magistrate trying a complaint under this section may instead of imposing a penalty require a person convicted of an offence under this section to give a bond in the penal sum of one hundred dollars, with one or more sureties to be approved by him conditioned that the person convicted shall after the expiration of five days cause the child to attend school as required by this Act.

[1910 (2), c. 8, s. 9; 1911-12, c. 4, s. 36 (8); 1913 (2), c. 16, s. 3; 1919, c. 32, s. 4 (8).]

10. Every attendance officer shall institute, or cause to be instituted proceedings against a parent, guardian or other person having charge or control of a child, or against any other person violating any of the provisions of this Act.

[1910 (2), c. 8, s. 10; 1916, c. 9, s. 3.]

11. The teacher or the principal of every public or separate school shall once in each week of the school year report to the attendance officer of the city, town or district in which the school is situated, the names, ages and residences of all pupils on the school register who have not attended school as required by this Act together with such other information as the attendance officer may require for enforcing the provisions of this Act.

(2) The teacher or principal, as the case may be, shall also forthwith report to the attendance officer every case of expulsion.

[1910 (2), c. 8, s. 11; 1916, c. 9, s. 3.]

12. Every person and officer charged with the duty of enforcing any provision of this Act who neglects to perform the duty imposed upon him shall incur a penalty not exceeding ten dollars for each offence.

[1910 (2), c. 8, s. 12.]

13. The penalties imposed by this Act shall be recoverable on summary conviction before a justice of the peace or a police magistrate.

[1910 (2), c. 8, s. 13.]

14. The provisions of part XV of chapter 146 of the Revised Statutes of Canada, 1906 (known as *The Criminal Code*), in reference to summary convictions, shall be applicable to all proceedings under this Act.

Provided, however, that it shall not be necessary that the attendance officer who gives or serves the notice in writing prescribed in section 8 hereof shall be the same person as the one who lays the information before the magistrate and the following shall constitute *prima facie* evidence of an offence under subsection 1 of section 9 hereof; filing with the magistrate the affidavit prescribed in subsection 3 of section 8 hereof and the production of the school register the entries in which show the absence from school of the child on the days specified in the information or complaint. Provided further that the person serving the summons shall be entitled to the sum of ten cents for every mile necessarily travelled to serve the same and to return.

[1910 (2), c. 8, s. 14; 1918, c. 39, s. 4 (6); 1920, c. 13, s. 4 (2).]

15. *Repealed.*

[1913 (2), c. 16, s. 3.]

16. Where a person is charged with an offence under this Act in respect to a child who is alleged to be within the ages mentioned in section 3 of this Act and the child appears to the court to be within such ages the child shall for the purposes of this Act, be deemed to be within such ages unless the contrary is proved.

[1910 (2), c. 8, s. 16.]

17. Nothing in this Act shall be held to require the child of a separate school supporter to attend a public school or to require the child of a public school supporter to attend a separate school.

(2) No penalty shall be imposed in respect to the absence of a child from school on a day regarded as a holy day by the church or religious denomination to which such child belongs.

[1910 (2), c. 8, s. 17; 1913 (2), c. 16, s. 3.]

18. This Act shall come into effect on January 1st, 1911.

[1910 (2), c. 8, s. 18.]

SCHEDULE A.

To.....(*name and address of parent or guardian.*)

Take notice that unless within five days from the receipt by you of this notice you cause your child (*or ward*).....(*child's or ward's name to be inserted here*) to attend school you will be liable to prosecution under *The School Attendance Act* of the Province of Alberta.

And further take notice that if within twelve months after the date of service of this notice upon you you fail to cause the above mentioned child or any other child of whom you have charge or control between the ages of seven and fifteen years to attend school and continue in regular attendance thereat you will be liable to prosecution under the said Act without further notice.

.....
Attendance Officer.

[1910 (2), c. 8, Schedule A; 1919, c. 32, s. 4 (9).]

SCHEDULE B.

CANADA,
Province of Alberta
To Wit:

I, (*fill in name*).....
of.....in the Province
of Alberta (*occupation*).....
make oath and say:

1. I did on.....the.....day of
....., 19...., deposit in the post office at.....,
in the Province of Alberta, a fully prepaid registered letter
addressed to (*insert name of parent or guardian*) containing a
true copy of the notice hereto attached and now shown to me and
marked "Exhibit A" to this my affidavit.

2. That hereto attached and now shown to me and marked
"Exhibit B" to this my affidavit is the receipt of the postmaster
at.....for the said registered letter.

Sworn before me at.....
in the Province of Alberta, this.....
.....day of.....
A.D. 19....

.....
(A Notary Public, Commissioner or Justice of the Peace, in
and for the Province of Alberta.)
[1910 (2), c. 8, Schedule B; 1918, c. 39, s. 4 (7).]

1919

CHAPTER 21

An Act respecting Mentally Defective Persons.

(Including 1920 Amendments)

(Assented to April 17, 1919.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Mental Defectives Act*."

2. The words "mentally defective person" in this Act shall mean and include any person afflicted with mental deficiency from birth, or from an early age, so pronounced that he is incapable of managing himself or his affairs, and who is not classified as an insane person within the meaning of *The Insanity Act*, of the Statutes of Alberta, 1907.

3. The word "Minister" when used in this Act shall mean the Minister of Education or any other member of the Executive Council charged for the time being with the administration of this Act.

4. The "Home for Mentally Defective Children" heretofore established at the City of Edmonton shall be for the public use of the province as an institution for mentally defective persons.

5. Any building or buildings approved of by the Lieutenant Governor in Council may be used for the detention and care of mentally defective persons placed therein in accordance with the provisions of this Act.

6. Anyone who desires to have any mentally defective person under his charge or control placed in an institution established under this Act may make application to the Minister of Education for such purpose, whereupon, if the Minister of Education so approves, such mentally defective person may be placed in such institution.

7. Whenever it is reported to the Minister that any person in the province is a mentally defective person the Minister may cause inquiry to be made and, if as the result of such inquiry it appears that such person should be provided for in an institution for mentally defective persons, and that the parents, guardians, or others, having control of such person refuse to consent to his being so taken care of, the Minister may cause proceedings to be instituted before a justice of the peace in the manner herein provided for.

8. Whenever under the direction of the Minister information in form A to this Act is laid before a justice of the peace, such justice of the peace shall cause notice to be served on the person having control of the person supposed to be mentally defective referred to in such information directing him to bring such person before the said justice of the peace at the time and place set out in the said notice.

9. In the event of no one being in control of the person whose mental condition is being inquired into or in the event of notice referred to in the preceding section being disregarded, an order in form B directed to any person designated by a justice of the peace may be issued, whereupon the person to whom such order is directed shall be authorized to bring such mentally defective person before the justice of the peace in accordance with the terms of such order.

10. The justice acting under the provisions of this Act shall have the same authority to compel the attendance of witnesses as such justice would have under any law in force respecting summary convictions, and he shall be entitled to such fees as may be fixed by the Lieutenant Governor in Council.

11. Upon any person being brought before a justice of the peace under this Act such justice of the peace shall examine into the mental condition of the person appearing before him, and for that purpose shall take evidence under oath and cause witnesses to be examined as in the case of proceedings under *The Insanity Act*.

12. Such justice of the peace may from time to time adjourn the inquiry and upon such adjournment the person whose condition is being inquired into shall be placed with some one by whom he will be properly taken care of, but in no case shall such adjournment be made for more than three days.

13. If upon such inquiry it appears to a justice that any person appearing before him is mentally defective such person shall be assigned by order in form C of the schedule hereto to the care of some relative, friend, or other person, in order that he may be properly cared for and such justice shall forthwith make a report of the case in form D of said schedule and shall transmit such report together with copy of the evidence taken to the Minister of Education, who shall make an order either that further proceedings be stayed or that the person who in the opinion of the justice of the peace is mentally defective be sent to an institution established under this Act, and received there on probation pending further investigation, after which investigation such final order shall be made as seems proper under the circumstances.

14. Whenever it is made to appear to any judge, police magistrate, or judge of the juvenile court, on the trial of any person appearing before him on any criminal charge that such person is mentally defective, such judge, police magistrate, or judge of the juvenile court, shall immediately cause the Minister of Education

to be notified so that necessary and proper steps under this Act may be taken, and in the meantime criminal proceedings shall be stayed.

15. The costs of such proceedings including the cost of the justice of the peace, costs of bringing mentally defectives before such justice of the peace, costs of transportation and all other costs incurred up to the time such mentally defective person is received in the institution for mentally defective persons together with a charge for maintenance of \$10.00 for each month during which such person is in such institution, shall be paid by the city, town, village or municipal district of which such mentally defective person is a resident at the time of his admission to any institution under this Act to the Minister on demand, and such city, town, village or municipal district shall be entitled to recover any moneys paid by it from the persons legally responsible for the maintenance and support of the persons on whose account payment has been so made.

(2) The Minister shall in the month of January in each and every year transmit to the Minister of Municipal Affairs a statement showing all costs and maintenance charges (calculated as under the first subsection of this section) incurred during the preceding year in respect of any person who at the time of his admission to any institution under this Act was a resident of an improvement district constituted under chapter 48 of the Statutes of 1918. The Minister of Public Works shall, upon direction of the Minister of Municipal Affairs, pay such costs and charges out of the district fund of the improvement district of which such person was a resident at the time of his admission to such institution.

(3) A person shall for the purposes of this section be deemed to be a resident of the city, town, village, municipal district or improvement district in which he has last had his usual place of abode for a period of at least one year.

16. No person shall be received in any institution established under this Act until he has resided in the Province of Alberta for at least one year.

17. The Administrator of Lunatics' Estates shall be the guardian of the estate of any mentally deficient person in any institution established under this Act, and the minister shall be *ex officio* the guardian of the person of any infant received under this Act.

18. When the mental condition of the person in an institution for mentally defective persons appears to be such that he should be transferred to an hospital for the insane the Minister shall cause such person to be independently examined by two physicians of the Province of Alberta, and if the said physicians agree in certifying that such person should properly be placed in an hospital for the insane he shall with the consent of the Minister of Public Works be transferred to such hospital.

19. No person to be dealt with under this Act shall be detained in any place provided for the detention of persons charged with or convicted of any criminal, or quasi-criminal offence.

20. The Lieutenant Governor in Council may make rules and regulations for the management and internal economy of any institution established under this Act, the conduct and government of the officials, employees and persons employed therein, and also as to the terms on which mentally defective persons may be admitted to or released from any such institution, and such other regulations under this Act as may be deemed necessary, which regulations so long as they are not inconsistent herewith shall have the same force and effect as this Act and be deemed to be a part thereof.

FORM A.

INFORMATION OR COMPLAINT.

Canada }
Province of Alberta }

The information of....., taken before me, the undersigned, one of His Majesty's justices of the peace in and for the said Province of Alberta at..... this..... day of..... in the year of Our Lord one thousand nine hundred and....., who saith that, after due inquiry made, he has reason to believe that....., of the..... is a mentally defective person.

Taken before me the day and year first and at the place above mentioned.

.....
Justice of the Peace.

FORM B.

ORDER.

To.....

Whereas information hath this day been laid before the undersigned, one of his Majesty's justices of the peace in and for the Province of Alberta, that..... of..... is believed to be mentally defective:

These are, therefore, to command you, in His Majesty's name, forthwith to take charge of the said..... and bring him before..... one of His Majesty's justices of the peace in and for the said province, in order that inquiry may be made respecting the mental condition of the said person, and that he may be further dealt with in accordance with *An Act respecting Mentally Defective Persons*.

Given under my hand and seal this..... day of..... in the year of Our Lord one thousand nine hundred and....., at..... in the Province of Alberta.

.....
Justice of the Peace.

FORM C.

ORDER OF ASSIGNMENT.

To.....

Whereas.....appeared before me
 this.....day of.....A.D. 19....
 and on inquiry being made it appears to me that he is a fit and
 proper person to be taken charge of in an institution for mental
 defectives;

You are hereby directed to take charge of.....
and properly care for him, pending order of the
 Minister of Education.

Given under my hand and seal this.....day
 of.....in the year of Our Lord one thousand
 nine hundred and, at.....,
 in the Province of Alberta.

.....
Justice of the Peace.

General Regulations of the Department of Education

Revised to 1920

1. These regulations shall apply to all schools under the control and management of the Department of Education.

School Grounds.

2. In rural and village districts the site for the school house shall be one approved or selected by the Department. As far as possible it should meet the following conditions: (a) It should be located as near the centre of the district as practicable; (b) It should be easily accessible to all the children of the district; (c) It should be in a dry, elevated position, admitting of easy drainage; (d) It should be removed from stagnant water and noisy surroundings.

Subject to the provisions of *The School Ordinance* in that behalf the board of any town school district may select such site or sites as in its judgment may seem desirable.

3. The school grounds in rural and village districts shall comprise an area of at least three acres. In town districts the school site shall comprise an area of not less than three acres, and more if deemed necessary by the Department in view of the size of the building to be erected thereon. The site in all cases should be levelled and kept clear of underbrush, weeds, rubbish, etc. The grounds should be surrounded by a suitable fence (not barbed wire) which should be kept in good repair.

4. Where inside toilet accommodation cannot be provided, separate privies, under different roofs, or otherwise erected according to a plan approved by the Department, shall be provided for the boys and girls. They should be widely separated and each entrance effectually screened from observation. The outhouses shall be kept in a cleanly condition and in good repair.

5. If there is any likelihood of getting good water at a reasonable cost a well should be sunk on the premises. For sanitary reasons the well should be bored or drilled if practicable, and shall be so situated and protected as to be free from surface drainage and other impurities. In case an abundant supply of water is obtained the well should be pumped or baled out several times during the year. In all districts where water cannot be obtained by sinking a well the board shall provide a sufficient supply of wholesome drinking water for use during school hours.

GENERAL REGULATIONS.

School House.

6. All school houses must be built in accordance with plans and specifications approved by the Department.

(b) In making additions to, or alterations in rural, village or consolidated school buildings, the board of trustees is required to secure from an Inspector of Schools his approval of the changes contemplated.

Minimum School Furnishings and Equipment.

7. Every school shall be furnished with a sufficient number of comfortable seats and desks to accommodate the pupils in the district, a suitable book-case or cases to accommodate a library, such maps and globes as shall be prescribed by the Department, at least one hundred square feet of blackboard space, and such other furniture and equipment as the Department may direct through the recommendation of an Inspector of Schools. There shall also be provided a flag and flag-pole, and suitable and adequate playground equipment, such as a sand pile, swings, teeters, a playground slide, equipment for basketball, volleyball, baseball and football.

Use of School House and Grounds.

8. Subject to the provisions of *The School Ordinance* a school house and grounds may, outside of the hours during which school is in session, be used for any lawful purpose—social, educational or religious—with the consent or approval of the board, but no advertisements other than statutory notices and notices of public meetings shall be posted on the school premises or distributed to the pupils unless approved by the board.

Conduct of Schools.

9. School shall be held between the hours of nine o'clock and twelve o'clock in the forenoon and half-past one o'clock and four o'clock in the afternoon (standard time) of every day except Saturdays, Sundays, and days declared to be holidays by or under *The School Ordinance*, but the board may alter or shorten the school hours upon receiving the permission of the Minister.

10. The board of any district may direct that school be opened at 9:30 a.m. during the whole or portion of the months of November, December, January and February; and the board of any rural district may direct that only one hour's intermission be taken at noon, in which case school shall be closed at 3:30 p.m.

11. The board of any district may direct that the time spent in the class-room by the pupils of Grades I, II and III shall not exceed four hours per day.

(b) The board of trustees of any ungraded school may direct that instruction be given for pupils in grades above the eighth; provided, however, that the Inspector of Schools shall have power to direct that such instruction in ungraded schools be initiated or

discontinued as the circumstances and conditions in his opinion warrant.

12. No pupil in a grade below the fifth shall be required to perform homework in connection with the ordinary school studies except upon the written request of the parent or guardian.

13. In ungraded schools the teacher, and in graded schools the superintendent, or the principal where there is no superintendent, shall be responsible for the organization of the school and the classification of pupils and promotions other than those based upon departmental examinations, all subject, however, to the approval of the inspector.

14. For the purposes of clauses *a*, *b* and *c* of Section 4 of *The School Grants Act* all pupils who have passed the Grade VIII or Public School Leaving Examination as prescribed by the Department of Education, or who submit to the Department satisfactory evidence of possessing scholarship equivalent thereto, shall be classed as being in grades above the eighth.

Responsibilities and Duties of Teacher and Pupils.

15. The teacher shall be responsible for the personal direction and supervision of the playground activities of the pupils throughout the school day, and all pupils shall be accountable to the teacher for their conduct on the school premises, and also for their behaviour on the way to and from school unless accompanied by one of their parents or guardians, or some person appointed by them.

16. Every pupil registered in any school shall be required: To attend regularly and punctually and in case of absence or tardiness to give to the teacher either orally or in writing a reasonable excuse therefor; to be provided with the authorized textbooks and other school requisites unless such are supplied by the board or by the government; to be clean and tidy in person and clothes; to be diligent in studies, kind and courteous to classmates, and obedient and respectful to the teacher, and to conform to the rules of the school.

17. Pupils are responsible for the care and protection of school property. The Board of Trustees may require the parent or guardian of any pupil to replace or pay for any school property destroyed, broken or damaged by such pupil, and may suspend such pupil until the loss or damage is replaced or paid for.

Course of Study.

18. The Course of Studies prescribed by the Department of Education shall form the basis of the teacher's work. It represents the minimum requirements for each grade and should be followed as a guide in classifying pupils. It may be modified to meet exceptional conditions, but not without the written consent of an inspector who shall forthwith report the facts to the Department.

Teaching of Foreign Languages.

19. Subject to the provisions of Section 136 of *The School Ordinance* the board of any district may employ one or more competent persons to instruct the pupils attending school in any language other than English. Such instruction shall be given between the hours of three and four o'clock in the afternoon of such school days as may be selected by the board and shall be confined to the teaching of reading, composition and grammar. The text-books used shall be those authorized by the Minister of Education.

20. In any school in which only a part of the pupils in a class receive instruction in a foreign language it shall be the duty of the teacher in charge to see that the remaining members of the class are profitably employed while such instruction is being given.

Text-books.

21. The text-books used by the pupils in any school shall be those authorized by the Minister of Education. No teacher shall require his pupils to purchase text-books not so authorized.

School Libraries.

22. All school library and reference books purchased by boards for the use of pupils and teachers, except those received from the Department in lieu of grants or those contained in school library lists authorized by the Department, shall be subject to the approval of the Minister.

23. The board shall provide such books as may from time to time be prescribed by the Department in which to keep a complete record of the books belonging to the school library, and also a record of every book loaned.

24. In rural and village schools the principal (or teacher) of the school shall be librarian and shall be responsible for the cataloguing and loaning of the books contained in the library.

25. Each book received into the library shall be distinctly marked on the inside of the front cover with the name and number of the school district, the number of the book and the date when received. In addition thereto there may be attached to the outside of the book a label showing the stock or accession number.

26. At the close of each school term and at any other time which may be prescribed by the board all books belonging to a library shall be called in and the proper entries regarding their return made in the library record book.

27. It shall be the duty of the teacher and the secretary of every school to make such returns regarding the school library as may be required from time to time by the Department.

Inspection of Schools.

28. Every inspector shall visit each school in his inspectoral district as frequently as the Minister may direct. On the occasion of his official visit the inspector shall have supreme authority in the school, and he shall conduct his inspection of the school and the examination of the books and records of the district in accordance with the instructions of the Department.

29. If deemed necessary for the purposes of inspection the inspector may extend the regular school hours, or, upon giving due notice to the teacher and pupils he may require any school to be kept open on Saturday, in which case the attendance for Saturday shall be duly entered in the register.

Teachers' Meetings.

30. In every school in which more than two teachers are employed it shall be the duty of the principal to convene, at least once a month, a meeting of his assistants for the purpose of conferring on matters pertaining to the organization, management and discipline of the school. A brief record of the proceedings of each meeting shall be kept and shall be referred to the inspector on the occasion of his official visit. It shall be the duty of the assistant teachers to attend such meetings and in case of their neglect or failure to do so the principal shall report the matter to the board.

Teachers' Conventions.

31. Upon receiving the approval of the Minister the officers of any teachers' association may arrange for an annual convention the object of which shall be to promote the teaching efficiency of its members.

32. The inspector shall be, *ex officio*, a member of the committee of management of each association in his inspectorate, and he shall be consulted by the committee with respect to the arrangements for the annual convention.

33. Every convention held shall be subject to the following regulations:

(1) The convention shall be held on such days as are approved by the Minister of Education.

(2) The secretary of the association shall give due notice of the convention to each teacher residing within reasonable distance of the place of meeting.

(3) Each teacher attending the convention shall, on the opening day, enrol with the Secretary who shall issue, to the teacher, a certificate on the form prescribed by the Department. This certificate shall be countersigned by the teacher and transmitted to the Department with the term return of the district.

(4) The president of the association shall as soon as practicable transmit to the Department an outline report of the work of each

session of the convention and when deemed advisable he may include in such report extracts from addresses given or papers read.

34. Every teacher who desires to attend any teachers' convention held under these regulations in the district in which his school is located, or who desires to attend the annual convention of the Provincial Educational Association, shall have the right to do so. Should the certificate of attendance received by the Department show that a teacher has been present at any such convention, such teacher shall be entitled to salary and the board of his school district shall be entitled to grant for the days the teacher is necessarily absent from his school in order to attend such convention.

School Fairs.

35. Subject to the approval of the Minister of Education, any number of school districts may be associated for the purpose of holding an annual school fair. Every teacher whose school is in such association, and whose pupils attend and compete, shall be entitled to salary, and the board of the school district shall be entitled to the school grant for the day on which such school fair is held.

Summer School.

36. A Summer School for the professional improvement of teachers, to be conducted under the auspices of the Department of Education, may be held at such time and place and conducted under such conditions as may be prescribed by the Minister.

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